

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4048 OF 2016

Abhijeet K Shinde : Petitioner.
Versus
State of Maharashtra : Respondent.

Mr. A M Sanap for the Petitioner.
Mr. K V Saste, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 18th APRIL 2018

P.C.

1 The above Writ Petition has been filed by the Petitioner who is an undertrial prisoner for being permitted to wear private clothing whilst being taken for treatment to the J.J. Hospital, Mumbai.

2 Our attention is drawn by the learned Additional Public Prosecutor Shri K V Saste to the Rules relating to bedding, clothing and equipments which are part of the Jail Manual and especially Rule 6 thereof. The said Rule 6 reads thus :-

“6 *Subject to the provisions of rule 4, unconvicted criminal prisoners (undertrials) (save those accused of murder) and convicted criminal prisoners under sentence of simple imprisonment who are not likely to escape may be allowed to wear their private clothing”

3 It is not in dispute that the Petitioner is an undertrial prisoner for the offence punishable under Section 302 of the Indian Penal Code and the

provisions of the MCOC Act have also been applied. In view thereof and having regard to the mandate of Rule 6, the request of the Petitioner cannot be acceded to.

4 Our attention is also drawn to the order dated 31/07/2014 passed by a Division Bench of this Court in Writ Petition No.3221 of 2009 wherein a request similar to the present one was rejected by the Division Bench on the ground that there being no such rule which permits the undertrial to wear clothing of his choice. The above Writ Petition is accordingly rejected. The Petitioner to be informed about the outcome of his application through the Superintendent, Mumbai Central Prison, Mumbai.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]