

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4748 OF 2017

Mohammad Mujaffar Muhammad Tanveer ...Petitioner

Vs.

The State of Maharashtra & Ors. ...Respondents

.....
Ms. Farhana Shah, Advocate for the petitioner.

Mrs. G.P. Mulekar, A.P.P. - State.
.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 11th JANUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, A.C.J.):-

Heard both sides.

2. The petitioner has been convicted under the Arms Act as well as under Section 5 (b) of the Explosive Substance Act. For the offence under the Explosive Substance Act, he has been sentenced to RI for 14 years and fine of Rs.20,000/-, in default, SI for one year. The petitioner is undergoing his

sentence of imprisonment in Taloja Central Prison. The prayer of the petitioner is that he be transferred from Taloja Central Prison to Aurangabad Central Prison.

3. Learned APP has placed reliance on the affidavit of Shri S.N.Gaikwad, who is the Superintendent of Taloja Central Prison. In the said affidavit, it is stated that the petitioner has been convicted on 2/8/2016 and thereafter, for security reasons it was decided by the Additional Director of Police and Inspector General of Prison to lodge him at Taloja Central Prison. It is stated that the offence in which petitioner is convicted, has occurred in Aurangabad and none of the accused involved in the said case are kept in the prison at Aurangabad. She further pointed out that the capacity of Aurangabad Central Prison is 548 for male convicts and at present 1055 male convicts are at Aurangabad Central Prison. Learned APP further pointed out that PIL No. 1 of 2014 came to be filed before the Aurangabad Bench complaining about the congestion of prisoners in Aurangabad Central Prison and therefore, several prisoners have

been transferred to other prisons. She submitted that even after transferring the prisoners there are 1055 male convicts at Aurangabad Central Prison as against the capacity of 548 male prisoners. Thus, it is seen that main reason for non transferring the petitioner is for the purpose of security as the petitioner was involved in an offence under the Explosive Substance Act, pertaining to 'RDX' and at present, there is no space at Aurangabad Central Prison. In this view of the matter, we do not find this is a fit case to interfere. The Writ Petition is dismissed.

4. Rule is discharged.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)