

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2644 OF 2017
ALONG WITH
CRIMINAL APPLICATION NO. 180 OF 2019
IN
WRIT PETITION NO. 2644 OF 2017

Anil Ankush Gadekar ... Petitioner

Versus

The State of Maharashtra ... Respondent

Mr. Radheshyam Gaikwad for the petitioner.

Mr.H.J. Dedhia, APP for the State.

CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI, JJ.
DATE : JULY 17, 2019

P.C.:

Heard learned counsel (appointed) and learned APP for the State.

2. The intimation dated 30/06/2019 sent by the Superintendent, Nashik Road Central Prison to the office of PP along with the nominal role of the prisoner is taken on record as Exh. "A".

3. It is mentioned therein that the concerned Committee has examined the prisoner on 17/04/2018 and found him eligible for transfer to open prison.

4. Counsel for the petitioner submits that the principle of following seniority is relevant only in case of life convicts. The present petitioner has to undergo imprisonment for ten years and out of it, he has already completed more than seven years.

5. Without recording any finding on the contention of the learned counsel (appointed), we direct the respondents to examine the position and if the fact that the petitioner has put in more than 70% of punishment is relevant, its cognizance shall be taken. If the seniority is not relevant, steps to transfer him to open prison shall be initiated immediately.

6. However, the orders in this respect shall be communicated to the prisoner by the respondents within eight weeks from today.

7. With these directions, we dispose of the writ petition and Criminal Application.

8. This order be communicated to the prisoner in jail.

(MRS.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)