

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 600/2019

Prashant Rahi S/o Late Narayan Sanglikar (In jail),
..VS..

State of Maharashtra, through its Secretary for Home Department, Mantralaya Mumbai and
Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Barun Kumar, Advocate h/f. Shri N. B. Rathod, Advocate for the
petitioner.

Smt. S. S. Jachak, A.P.P. for the respondents.

CORAM : Z. A. HAQ, AND
M. G. GIRATKAR, JJ.

DATED : 28th November, 2019

Heard.

The petitioner is undergoing sentence, having been convicted under Sections 13, 18, 20, 38 and 39 of The Unlawful Activities (Prevention) Act, 1967 read with Section 120B of the Indian Penal Code, prays that the respondent No.1 – State of Maharashtra be directed to cause transfer of the petitioner from Central Prison, Amravati to the Prison at Udham Singh Nagar, State of Uttarakhand.

According to the petitioner, he is facing trial before the Sessions Court at Udham Singh Nagar and learned Sessions Judge at Udham Singh Nagar has passed order for production of the petitioner to enable

the petitioner to consult his lawyer. It is submitted that the matter is at the stage of arguments. Order passed by learned Sessions Judge at Udham Singh Nagar on 06th September 2019, is pointed out in which learned Sessions Judge has expressed that for effective justice delivery System and for dispensation of justice, the accused has right to consult his lawyer and have conversation with his lawyer. Relying on these observations, the petitioner has approached this Court with the prayer as recorded earlier.

The evidence of the witnesses is recorded and statement of the petitioner (accused) in the trial pending before the Sessions Court at Udham Singh Nagar is also recorded. Hence, in our view, the prayer as made by the petitioner for giving directions to the State of Maharashtra to cause his transfer from Central Prison Amravati to the Prison at Udham Singh Nagar, Uttarakhand State, cannot be considered. The petitioner will be at liberty to move Jail Authorities to permit him to meet his lawyer at Central Prison Amravati, if so advised.

Learned advocate for the petitioner expressed an apprehension that the statement made in the reply/affidavit filed on behalf of the respondent No.3 that on the earlier occasion when the petitioner was shifted from Udham Singh Nagar to Amravati Prison, he attempted to run away and also misbehaved with the

police squad, may adversely affect the petitioner in the other trial and other proceedings.

It is clarified that we have decided the present petition considering only the entitlement of the petitioner for the relief sought by him and we have not considered the reply filed on behalf of the respondent No.3 to reject the claim of the petitioner.

With the above observations, the criminal writ petition is **dismissed**. No costs.

JUDGE

JUDGE

Kirtak