

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.256 OF 2020

Ranjit s/o Badri Roy ... Petitioner

VERSUS

The Union of India and others ... Respondents

Mr. P.K. Koshti, Advocate for the petitioner,
Mr. S. B.Yawalkar, A.P.P. for the State.
Mr. S.S. Deve, Advocate for respondent Nos. 1, 4 and 5

CORAM : RAVINDRA V. GHUGE &
SHRIKANT D. KULKARNI, JJ.

DATE : 21st August, 2020

ORDER:

1. The petitioner, Convict No.95, presently an inmate of the Open Prison, Gadchiroli, has preferred this petition and has put-forth prayer clauses (B) and (C) as under:

"(B) By issuing writ of mandamus or any other appropriate writ, orders or directions in the like nature to take appropriate criminal or appropriate action against the responsible concern authority i.e. respondent Nos 4 and 5.

(C) By issuing directions in the like nature to concern authority i.e. respondent Nos. 4 and 5 to secure receipt of money ordered amount to the relatives of the petitioner."

2. We have heard the learned Advocates for the respective sides. We have perused the paper-book with the assistance of the learned counsel.

3. The petitioner was earlier with the Aurangabad prison upon being convicted for an offence punishable under section 302 of the Indian Penal

Code. In July, 2018, the petitioner sent a money order through Post Department for an amount of Rs.20,000/-, to be delivered to his wife at her matrimonial home at Chapra in the State of Bihar. As the money was neither delivered nor was returned to him, the petitioner preferred this petition on 05.02.2020. Subsequent to the filing of the petition, the petitioner has received the entire amount of Rs.20,000/- in two instalments on 16.07.2020 and 23.07.2020.

4. Shri Deve, the learned Advocate appearing on behalf of the Union of India, submits that as the address, at which the money was to be delivered, was insufficient, the amount could not be delivered and was sent to the Head office of the Department at Bihar. Since the money did not return to the Aurangabad Post office, the Bihar Post office was requested for the refund of the amount. The said request was transmitted to the Mysore office as per the procedure. Since up-gradation was going on at the Bihar Office, time was consumed. The money was then transmitted to Aurangabad. When the said amount was sought to be disbursed to the petitioner, it was found that he was transferred to the Gadchiroli prison and the money was therefore forwarded to Gadchiroli and was delivered to the petitioner in two instalments.

5. Since the learned Advocate for the petitioner submitted that the amount was sought to be utilized for the treatment of his son and the said amount was not delivered to his wife, we enquired with him as regards the health of his son. The learned counsel submitted that the son of the

petitioner is now in good health.

6. Considering the above, we do not find that this is a fit case for directing initiation of criminal action against any officer. The petition, being devoid of merit, is dismissed.

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)

JPC