

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

CRIMINAL WRIT PETITION NO. 144/2020

PETITIONER: Gajanan Babulal Battulwar,
aged adult, Convict No. C-9971,
Detained in Central Prison, Nagpur.

...VERSUS...

RESPONDENTS: 1. State of Maharashtra, through its
Secretary, Home Department,
Mantralaya, Mumbai.

2. Superintendent,
Nagpur Central Prison, Nagpur,
Tahsil and District Nagpur.

None for petitioner
Ms. H. Jaipurkar, APP for respondent nos.1 and 2

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 16/02/2021.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

Shri R.R.Dawda was the appointed advocate for the petitioner. However, he was discharged as an advocate for the petitioner, as the petitioner was desirous of to engage a private counsel. However, till today the petitioner has not engaged any private counsel.

2] Even otherwise, we are of the view that considering the prayer of this petition, this petition can be disposed of by issuing suitable direction to respondent No.2 and therefore, we have taken up this petition for final disposal now.

3] The petitioner is seeking his transfer back to the open prison where he was earlier lodged and from where he was transferred to closed prison, because an offence punishable under Section 224 of I.P.C. was registered against him. The petitioner contends that his conduct is good and his transfer back to the closed prison is not justified because of his good conduct. The petitioner has made representation for his transfer back to open prison on 07.12.2019. It appears that this representation has not been appropriately considered by respondent No. 2 so far. We are, therefore, inclined to issue necessary direction to Respondent No. 2 in the matter.

4] The petition is partly allowed. Respondent No. 2 is directed to appropriately consider or accord fresh consideration to the representation dated 07.12.2019 made by the petitioner

regarding his transfer back to the open prison in accordance with law and decide the same within a period of three weeks from the date of the order. Rule accordingly.

JUDGE

JUDGE

Rvjalit