

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.598 OF 2020

Miraj Abdul Mueed Khan,
Aged about 42 years, Convict
No.C/5498, detained in Central
Prison, Amravati.

..... PETITIONER

// VERSUS //

- 1.State of Maharashtra,
Through its Secretary, Home
Department, Mantralaya,
Mumbai-32.
- 2.Deputy Director General and
Inspector General Prisons and
Correctional Services,
Pune-1.
- 3.Special Inspector General of
Police (Prison), East Region,
Nagpur.

4. Superintendent,
Amravati Central Prison,
Amravati, District Amravati. RESPONDENTS

Mr.J.K.Matale, Advocate (appointed) for the petitioner.
Mr.S.M.Ghodeswar, A.P.P. for respondent nos. 1 to 4.

CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.

DATE : 15.1.2021.

ORAL JUDGMENT (Per Sunil B. Shukre, J) :

1. **Rule,** made returnable forthwith. Heard finally by consent.

2. On going through the reply filed on record just today, we are satisfied that the respondents have performed their duty and now the ball lies really in the court of Allahabad Police. If any transfer of prisoner like the petitioner herein from a prison situated in the State of Maharashtra to the prison situated in the State of Uttar Pradesh is to take effect, it cannot take effect unless the

Uttar Pradesh police also agrees for accepting transfer of the petitioner to one of their prisons. Since this petition involves inter-state transfer issue, the transfer of petitioner would depend upon reciprocity shown mutually by both the sides. As stated just now, the proposal regarding accepting transfer of petitioner to one of the prisons situated in the State of Uttar Pradesh is presently pending with Uttar Pradesh police. Therefore, this petition has been filed prematurely and cannot be entertained at this juncture. The petition stands dismissed. Rule is discharged.

3. Learned Counsel (appointed) for the petitioner be paid remuneration of **Rs.2,500/-**.

JUDGE

JUDGE

[jaiswal]

