

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4638 OF 2021

Shahrukh Akbar Shaikh.

...Petitioner.

Versus

The State of Maharashtra.

..Respondent.

Mr. Sushil A. Inamdar for the Petitioner.

Mrs. Auna S. Pai, PP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

Date : **February 3, 2022.**
[Through video conferencing.]

P. C. :

1. Heard the learned counsel appointed to represent the cause of Petitioner.

2. A very limited grievance is raised in the petition. The Petitioner is an under-trial prisoner in Sessions Case No.1 of 2020. The Petitioner who is lodged in central prison, Kolhapur has prayed for his transfer from central prison, Kolhapur to central prison, class-2, Solapur. His first application was rejected vide the order dated 2nd July 2021. Learned counsel appearing on behalf of the Petitioner submitted before this Court that the Petitioner is the only son and due to death of his parents, his family is facing financial difficulties. It is also submitted to this Court that though so far his uncle was assisting the family of petitioner, for the weak financial condition of his uncle, even his uncle is unable to provide any financial assistance to the family of Petitioner. The

Petitioner is resident of taluka Pandharpur, district Solapur. As such, the Petitioner has prayed for his transfer from central prison, Kolhapur to central prison, Solapur.

3. Learned PP Mrs. Pai was fair enough to submit a report to this Court on receipt of a copy of petition. The said report is taken on record and marked "X" for identification. The perusal of report shows that though the first application of Petitioner was rejected by the learned Special Court, the second application for his transfer is submitted to the Special Court, i.e., Special MCOC Court, Pandharpur on 8th December 2021. The copy of said application is also annexed to the report submitted to this Court. Learned PP Mrs. Pai submitted that the said application is pending decision of the learned Special Court, Pandharpur.

4. This being a limited issue, we deem it appropriate to dispose of the petition with direction to the learned Special Judge, MCOC Court, Pandharpur to pass the appropriate orders on the application of Petitioner dated 8th December 2021 submitted to the learned Special Court through the Superintendent, central prison, Kolhapur, as early as possible and not later than three weeks from the date of receipt of a copy of this order. Registry is directed to forward a copy of this order to the learned Special Judge, MCOC Court, Pandharpur.

5. The fees of counsel appointed to represent the cause of Petitioner are quantified at Rs.5,000/- (Rs. Five thousand only). Registry to take necessary steps for disbursement of the fees to the appointed advocate.

6. With the aforesaid directions, writ petition is disposed of.

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]