

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4700 OF 2017

Pandurang Vitthal Karande ... Petitioner
Vs.
State of Maharashtra and others ... Respondents

Through Post. None for Petitioner.
Mr. K. V. Saste, APP for Respondent-State.

**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : JUNE 17, 2022

P.C. :

. By this petition, under Article 226 of the Constitution of India, the petitioner has prayed for the following substantive reliefs:-

“2. The Honourable Court be pleased to accept the petitioner’s plea on humanitarian grounds & to pursue the say of Respondent No.2 & 3 before the Hon’ble Court to resolve said un-natural erupted dispute.

3. The Honourable Court be pleased to issue directions to Res. No.2 & 3 to select the petitioner for Open Prison and transfer him to open prison as early as possible.”

2. Mr. Saste, learned APP, on instructions, submits that the prayer of the petitioner to transfer him to the open prison had been considered and negated as he was found physically unfit for sending to the open prison. He has tendered a letter dated 09.06.2022 addressed by Jailor Gr.I, Yerwada Central Prison, Pune to that effect, which is taken on record and marked ‘X’ for identification. Learned APP further submits that the convicts, who are transferred to the open prison, have to do hard work. Petitioner being handicapped as also the medical reports being adverse to him, his prayer for transfer to the open prison was not favourably considered.

3. Be that as it may, subject to further medical examination and keeping in view 40% disability of right hand of the petitioner, the concerned authority shall consider the case of the petitioner sympathetically and on humanitarian grounds and decide the same as expeditiously as possible, and in any case within three months from the date of receipt of a copy of this order. A copy of such decision shall be communicated to the petitioner.
4. With the above observations, writ petition stands disposed of.
5. Registry shall send a copy of this order to the concerned jail authority, who in turn shall communicate the same to the petitioner.
6. List on 03.10.2022 under the caption 'for compliance'.

(MILIND N. JADHAV, J.)

(S. S. SHINDE, J.)

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