

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 CRIMINAL WRIT PETITION NO.238 OF 2023

LATABAI W/O. GOPURAO MASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the petitioner : Mr.M.M. Parghane
APP for the respondent – State : Mr.S.J. Salgare
...

**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 16 MARCH 2023

PC :

We have heard learned advocate for the petitioner and learned APP.

2. Petitioner's husband is a convict, suffering the sentence in Harsul Jail, Aurangabad. The request is for his transfer to open prison as per the Open Prison Rules.

3. Learned APP, on instructions, submits that though earlier the petitioner's husband's similar request was turned down, the Committee would consider the fresh request made by him in the ensuing meeting. He submits that the last meeting of the Committee was held in the year 2021. No such meeting was held in the year 2022.

4. Prison Manual in Chapter-II makes the provisions regarding open prisons. Rule 3 thereof prescribes for constitution of selection committee comprising of as many as five officers of superior

cadre, which committee is supposed to prepare the list of prisoners, which is thereafter submitted to the Inspector General of Prisons for his orders.

5. If this is the procedure prescribed under the rules, it is expected that the selection committee convenes a meeting at regular interval. As is informed, the last meeting was held in the year 2021 and we are at the end of the third month of 2023. If there are rules which enable an eligible prisoner to some benefit of transfer to an open prison, the rules would be dead letter if those are not put in practise with the expected object.

6. With the hope that the authorities and the State considers this aspect of convening the meeting of the selection committee at periodical intervals.

7. With a direction to the respondents to consider the case of the petitioner's husband in the next meeting of the selection committee, we dispose of the petition.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/