



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2645 OF 2018
WITH
CRIMINAL INTERIM APPLICATION NO. 163 OF 2019
IN
CRIMINAL WRIT PETITION NO.2645 OF 2018

Vijay Babasaheb Nanaware	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. S. A. Quazi, Appointed for the Petitioner.

Ms. S. S. Kaushik, APP for the State.

Ms. Suvarna Chorge, Nashik Jail

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 18th AUGUST 2023

P. C. :

1. By this petition, the petitioner seeks his transfer to open prison.
2. Learned counsel for the petitioner submits that the petitioner has already undergone the entire sentence for the offence punishable under section 376 of the Indian Penal Code

and that, it is now open for the authorities, to consider the request of the petitioner, to transfer him to open jail.

3. In support of his submission, Mr. Quazi, learned counsel relied upon the judgment of *Ashokkumar Satyanarayan Arya Vs. The State of Maharashtra and Another*¹ with connected Writ Petitions. He submitted that having regard to the said judgment, the concerned authorities be directed to reconsider the petitioner's case for sending him to open prison as the petitioner has undergone his entire sentence for the offence punishable under section 376.

3. Learned APP on instructions states that the petitioner's case will be reconsidered by the appropriate authority in its next meeting.

4. Having regard to what is stated aforesaid, we direct the authorities to re-consider the prayer of the petitioner seeking his transfer to open prison, in accordance with law.

1 Criminal Writ Petition No. 362 of 2010 (with connected Writ Petitions)

5. With the aforesaid direction, the petition stands disposed of .

6. We make it clear, that we have not gone into the merits of the case and as such all contentions of all the parties are kept open.

All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.