

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3963 OF 2022

Ravindra S/o. Laxman Barhate .. Petitioner

v/s.

The State of Maharashtra & Anr. .. Respondents

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Ms. Surbhi Agrawal, i/b. Mr. Ashish Dand, for the Petitioner.

Mr. Arfan Sait, APP, for State/Respondent No.1.

J.D. Bhosale, ASI, Unit-2, Crime Branch, Pune City, a/w. B.M. Tadvi,
Gr.II Jailor, Y.C.P.

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CORAM: R.G. AVACHAT, J.

DATE : 10 JANUARY 2023.

P.C:-

Heard.

2. The challenge in this petition is to the order dated 5 September 2022 allowing the application (Exhibit-132) preferred by the Respondent State for transfer of the Petitioner/accused from Yerwada Central Prison to Aurangabad Central Prison.

3. The Petitioner, along with 13 others, is an accused in C.R. No.1380 of 2020 registered for offences punishable under Sections

120-B, 347, 385, 386, 387, 504, 506 of IPC, 3(1)(ii), 3(2), 3(3), 3(4) of MCOC Act, Section 39, 45 of the Maharashtra Money Lending Act, Section 3(1)(G)(R)(S) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and Section 3(25) of the Indian Arms Act.

4. The Superintendent of Yerwada Central Prison, wherein the Petitioner and the co-accused were lodged, made a communication to DIG Prison with a request to transfer the present Petitioner and the co-accused Devendra Jain from Yerwada Central Prison, since they were likely to indulge in unlawful activities.

5. The application (Exhibit 132) was, therefore, moved. It was allowed by the Presiding Officer of the Special Court, MCOC Act, Pune on 5 September 2022. The Petitioner, thus, came to be transferred from Yerwada Central Prison to Aurangabad Central Prison.

6. Learned Advocate for the Petitioner would submit that the trial court is based in Pune. It would always not be feasible for the State to bring the Petitioner from Aurangabad to Pune (not less than 240 kms.) on every day on which the case is to come up for hearing before the court concerned. He would further submit that, at times, for one or the other reason, the jail authorities may not produce the

Petitioner before the trial court. That would delay the hearing of the case. The Petitioner is in jail for little over one and half years.

7. It is informed that the charge has not yet been framed. Once the charge is framed, the learned Judge would do well to ensure that all the accused are lodged in Yerwada Central Prison, Pune, so that there may not be hindrance in progress of the trial. The jail authorities would do well to ensure that the Petitioner and the co-accused are kept separate. They shall have no occasion to come together in jail.

8. With these observations, the writ petition stands disposed of.

(R.G. AVACHAT, J.)