

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 481 OF 2022

PETITIONER : Shiv s/o Kisanlal Katare,
C-6656, Aged about 46 Years,
detained in Central Prison Nagpur
(Presently in Jail).

V E R S U S

RESPONDENTS :

1. State of Maharashtra
Through Deputy Inspector General
Prisons (Eastern Region), Nagpur.
2. Superintendent of District Prison,
Seoni, District - Madhya Pradesh.
- (Added as per order dated 22/7/22) 3. Superintendent of Central Prison,
Nagpur.
- (Added as per order dated 06/10/22) 4. State of Maharashtra
Through Secretary of Home
Department, Mantralaya,
Mumbai.

Ms. Radha Mishra, Advocate (Appointed) for petitioner.
Ms. N. R. Tripathi, Additional Public Prosecutor for respondent Nos.1, 3
and 4.

CORAM:- VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATED : 17/02/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of learned counsel appearing for the parties.

2. The petitioner has been convicted for the offence
punishable under Section 302 of the Indian Penal Code in Sessions

Trial No.187/2003 vide Judgment and order dated 04/02/2005 passed by Additional Sessions Judge, Nagpur. Initially, the petitioner was in District Prison, Chandrapur from where he has been transferred to Central Prison, Nagpur on 13/08/2016 and since then, he is at Central Prison, Nagpur.

3. The petitioner hails from District Seoni (M.P.) where his entire family is staying. Since petitioner is at Nagpur, his family members are unable to meet, due to geographical distance and financial constrains. Therefore, the petitioner applied for his transfer to District Prison, Seoni (Madhya Pradesh) on 28/04/2019. However, till date, he has not been transferred. Hence, the petition.

4. The State has filed reply stating that they have received transfer proposal. As per Rules, they have sought verification report from District Women and Children Welfare Department, Seoni, Madhya Pradesh vide letter dated 15/11/2019. It is submitted that till date, report has not been received and therefore, the jail authorities are not in a position to process the proposal.

5. Prima facie, we do not find any reason to suspect the petitioner's urged for transfer. The Superintendent, Central Prison,

Nagpur has called verification report vide communication dated 15/11/2019 of which copy has been produced. It is sorry state of affairs that for three years, even the concerned authority has not forwarded verification report which has virtually stalled the entire process.

6. In view of the above, respondent No.3 - Superintendent, Central Prison, Nagpur shall send the reminder within two weeks along with order of this Court calling the report. We hope and expect that the concerned District Women and Children Welfare Department, Seoni, (Madhya Pradesh) would submit the report within two weeks from the receipt of communication, failing which this Court would be constrained to pass the appropriate orders, if occasion arises so. On receipt of report, the authority shall process the transfer application expeditiously.

7. With the above directions, petition stands disposed of.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]

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