

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 637 OF 2022

Vijay @ Raju S/o Shyamlal Dubey
U.T.No.652, Aged about 53 years,
detained in central prison, Nagpur
(presently in jail)



.. Petitioner

Versus

1. State of Maharashtra through Deputy
Inspector General Prison(Eastern Region)
Nagpur
2. Superintendent of Central Prison,
Nagpur
3. Superintendent, Centra Prison,
Bhandara



.. Respondents

Ms. Radha Mishra (appointed), Advocate for petitioner.

Ms. Nandita Tripathi, APP for all the respondents.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 22/02/2023

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally
by the consent of the learned counsel appearing for the parties.

(2) The petitioner is suffering sentence in Nagpur
Central Prison for the offence punishable under Section 302 of the

Indian Penal Code. The petitioner is involved in another case bearing Sessions Trial No.29/2021, which is pending in Sessions Court at Gondia. The petitioner urged for transfer to Bhandara District Prison on the ground that Bhandara Prison is in proximity to Gondia, than the Nagpur Central Prison.

(3) The State resisted this application by contending that in past, petitioner was housed in Bhandara District Prison, however, he has committed murder of a jail inmate, for which he has been convicted. Moreover, it is submitted that in Bhandara District Prison other prisoners from Gondia District are housed with which petitioner may confront. Moreover, it is submitted that the petitioner is of aggressive nature and on account of safety reasons, he has been kept in Nagpur Central Prison.

(4) The Prison Authority have specifically opined that, it is not safe in the interest of the petitioner, as well as other inmates keep at Bhandara District Prison. It is not denied that petitioner was convicted for an offence committed while in Bhandara District Prison. Having regard to above facts, there is no reason to transfer petitioner from Nagpur Central Prison to Bhandara District Prison. As regards

the petitioner's grievance that he has not been produced in Gondia District Prison, the petitioner can put his grievance to the concerned trial Court, who shall take the remedial measures, as permissible in law.

- (5) Writ Petition stands disposed of in above terms.
- (6) Fess of appointed counsel be paid as per rules.

[VALMIKI SA MENEZES J.]

[VINAY JOSHI, J.]

KOLHE