

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 899 OF 2023

Prathmesh Chandrakant Londhe Petitioner
Versus
The State Of Maharashtra Respondent

Mr. Rahil Siddiqui, Appointed Advocate, for the Petitioner.

Mrs. P. P. Shinde, A.P.P for the Respondents – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 9th JANUARY 2024

P.C. :

1. Heard learned Counsel for the petitioners.
2. By this Petition sent through jail, the petitioner seeks his transfer from Aurangabad Central Prison to Kolhapur Central Prison.
3. According to the petitioner, it is difficult for his family members i.e. his mother who lives in Sangali and younger brother, to come to Aurangabad to meet him, more particularly after the demise of

his father. He has further stated that his case is being conducted by the learned Special Judge (MCOC Court) at Pandharpur and as such, he is unable to give proper instructions, either to his family members or his lawyer.

4. Learned A.P.P. opposed the petition. Learned A.P.P. has filed an affidavit of Shri. Jayant Naik, Superintendent, Aurangabad Central Prison. In para No.6 of the said affidavit, it is stated that on 27th August, 2023, another co-accused i.e. Shahrukh Shaikh assaulted a Senior Jailor and two staff members of the jail and that the petitioner also went on a hunger strike. It is further stated that on 6th January, 2022, undertrial prisoners, Akshay Kalbhor, Sachin Dhore Patil, Iliyas Mulla, Kiran Alias Karan Suraywanshi and Bablu Javir, assaulted a convicted prisoner, by the name Nishikant Kamble in his abdomen and chest with fist and kick blows, pursuant to which Nishikant succumbed to his injuries, on the very same day. It is further stated that in protest of the said incident, the petitioner and other inmates went on a hunger strike in Kolhapur Central Prison on 9th March, 2022 and hence the

petitioner and other inmates, who were on hunger strike, were transferred from Kolhapur Central Prison to Aurangabad Central Prison, for administrative/security reasons, after seeking necessary approval and permission of the learned District and Special MCOCA Court, Pandharpur, District Solapur and DIG, Western Region, Pune.

5. By order dated 15th September, 2023 this Court (Coram : A. S. Gadkari and S. U. Deshmukh, JJ) had dismissed a petition filed by another inmate, who was also had gone on a hunger strike alongwith the petitioner i.e. Omkar N. Jadhav. We have perused the said Order. The case of the petitioner is similar to that of Omkar N. Jadhav.

6. Hence, for the reasons aforesaid, the petitioner's transfer from Kolhapur Central Prison to Aurangabad Central Prison, cannot be faulted and as such no interference is warranted in the same. Accordingly the petition stands dismissed.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.