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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3329 OF 2025

Rupesh Sadashiv Manekar

.. Petitioner

Versus

The State of Maharashtra and Ors.

.. Respondents

None for the Petitioner.

Mr. S. V. Gavand, APP for the Respondent-State.

CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.

RESERVED ON : 30th JULY, 2025

PRONOUNCED ON : 06th AUGUST, 2025

ORDER (PER : GAUTAM A. ANKHAD, J)

1. The Registrar (Judicial-I) was directed by an Order of 30th June, 2025 to verify whether this Petition would lie at the Principal Seat at Bombay or before the Nagpur Bench.

2. The learned Registrar filed a report on 8th July, 2025 stating that the impugned order dated 23rd February, 2023 passed by the Deputy Police

Commissioner and Inspector General, Prison and Rehabilitation Service, Maharashtra State, directing to shift the Petitioner from open jail at Nagpur to Regular jail at Nagpur will lie at the Principal Seat. This is because said order was passed at Pune, and as Pune district falls within the jurisdiction of the Principal Seat at Bombay. Reliance was placed on Judgment of the Full Bench of this Court delivered at Aurangabad dated 25th January, 2021 in ***The State Maharashtra Vs. Guddu @ Kansha Wahab Shaikh in Cr. Appln. No.2073/2020 in Cr. Writ Petition No.1362/2020***. That is how this Petition was placed before us.

3. On 16th July 2025, the learned APP had argued to the contrary and submitted that the Petition would ordinarily lie before the Nagpur Bench notwithstanding the report of the learned Registrar (Judicial-I) and requested for some time to examine this aspect.

4. Today, Mr. Gavand, learned APP has tendered the compilation of documents (18 pages) marked 'X' for Identification. He has invited our attention to the Maharashtra Open Prisons Rules, 1971 and submitted that matter has to be transferred to the Nagpur Bench. He submitted that merely because office of the Chairman of the Selection Committee for the entire State

of Maharashtra is located at Pune, that by itself will not vest jurisdiction before the Principal Seat at Bombay.

5. We have considered Rule 3 of the Maharashtra Open Prisons Rules, 1971. For the sake of convenience Rule 3 is extracted and quoted as under:

- 3(i) For the purpose of selecting prisoners for confinement in any open prison, there shall be a Selection Committee consisting of:-*
- (a) The Inspector General or his nominee, who shall be the chairman.*
 - (b) The Deputy Inspector General of Prisons **of the region** from which the prisoners are to be selected.*
 - (c) The Superintendent of the prison **from which** the prisoners are to be selected for confinement in an open prison.*
 - (d) The Superintendent of Open Prison.*
- (ii) The Selection Committee shall, subject to the provisions of these rules, prepare a list of selected prisoners and shall submit the same to the Inspector General of Prisons for his orders.*

A perusal of the Rules makes it clear that the Selection Committee comprises of officers with respect to prisons/region from which the prisoners are to be considered for confinement in open prison. Merely because the Office of the Chairman of the Committee is located at Pune, that by itself will not mean that the Principal Seat at Bombay will have jurisdiction. Other than the Chairman, other officials who form a part of this Committee for Nagpur jail are all based at Nagpur as seen from page 8 of the compilation.

6. We find that the Full bench Judgment (supra) will also not apply to the present case. It is in the context of grant or refusal of parole. Be that as it may, Paragraph 24 of the judgment makes it clear that ordinarily a prisoner has to approach a forum of this Court having jurisdiction over the district in which the trial Court has convicted him. A prisoner is not precluded from approaching the bench having jurisdiction over the district in which trial Court has convicted him. The prisoner is at Nagpur jail. Impugned order is to shift the prisoner from open jail to regular jail in Nagpur. The concerned officers under Rule 3(i)(a),(b),(c) and (d) in the Selection Committee of the authority are all from Nagpur, except the Inspector General, whose office is at Pune. The entire issue is from Nagpur. In our view the appropriate Bench would be the Nagpur Bench .

7. In view thereof, Registry is directed to place this matter before the appropriate bench at Nagpur.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]