



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

CRIMINAL WRIT PETITION NO.292/2025

Sanjay Pralhad Dhavase (In Jail)

Vs.

Additional Director General of Police and Inspector General of Prison and
Correctional Service, Pune and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Smt Ratna Singh, Advocate for petitioner
Shri I.J. Damle, APP for respondent Nos. 1 to 4

**CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.**

DATE : 10.09.2025

1. On 06.08.2025, following order was passed:

“Heard.

2. It is informed that in terms of Rule 6 of the Maharashtra (Bombay Furlough and Parole) Rules, 2024, it is the Inspector General of Prison, who can pass the order of transfer of a prisoner from open prison to closed prison. The order impugned however, has been passed by the Special Inspector General of Police (Prisons), Central Division.

3. The learned A.P.P. seeks time to take instructions in the matter. At his request, list the matter for further consideration on 13.08.2025.”

2. Heard learned Counsel for petitioner for sometime. The petitioner has been transferred from Open Prison to Closed Prison on 31.01.2025, allegedly without following due procedure. Our attention is invited to Rule 6 of the

Maharashtra Open Prison Rules 1971 which reads as under:

“Rule 6. Check of work and suitability of Prisoners transferred to open prison.

The case of each prisoner transferred to an open prison shall be put up before the Classification Committee once a month, which shall analyse the problems of the prisoner in detail. If it finds that a particular prisoner is found unfit for being kept in confinement in the open prison on the ground of indiscipline or unsatisfactory work or any other good and sufficient cause, he shall be transferred, after obtaining approval of the Inspector General of Prisons, to such prison as the Inspector General of Prisons may specify.”

3. As could seen, the prisoner could be transferred after obtaining approval of the Inspector General of Prisons. In the present case, such approval has been not obtained.
4. As such, learned APP made an attempt to justify the transfer however, approval of Inspector General of Prison mandated under Rule 6 of the Rules of 1971 having been not obtained, the order of transfer of petitioner from Open Prison to Closed Prison is unsustainable.
5. At this stage, we have noticed that the petitioner has not challenged the order transferring him from Open Prison to Closed Prison.
6. Learned Counsel for petitioner submits that there is no such order for transfer.

7. The attention of learned Counsel for petitioner is invited to page No.37 i.e. Annexure R-4-5 annexed with the reply filed by the respondent. The annexure refers to communication dated 22.03.2025 made by Superintendent of Prisons to Additional Inspector General of Prisons stating therein that in terms of order given on telephone by the Deputy Inspector, the petitioner has been temporarily transferred to Closed Prison. Thereafter, vide order dated 25.03.2025, the Special Inspector General (Headquarters, Prison) had declared petitioner as ineligible to remain in Open Prison on account of his activities of acceptance of eatable items and Rs.500/-. This order refers to the decision of the Committee to transfer the prisoner from Open Prison to Closed Prison. The decision was accordingly approved by Special Director General (Headquarters). The petitioner's Counsel is not willing to amend the petition.

8. Since, learned Counsel for petitioner has refused to challenge the order, we are left with no other alternative but to dismiss the petition.

9. At this stage, learned APP submits that corrective measures shall be taken in this regard. The statement is appreciated and accepted.

(SIDDHESHWAR S. THOMBRE, J.)

(ANIL L. PANSARE, J.)