



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

CRIMINAL WRIT PETITION NO.835/2025

Santosh Ramdas Kalwe .Vs. State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. R. Kadu, Advocate for petitioner.

Mr. S. A. Ashirgade, A.PP for respondent Nos. 1 to 3.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : NOVEMBER 27, 2025.

Heard.

2. The petitioner's request to transfer him to Open Prison is being rejected repeatedly. In the earlier round of litigation, when the petitioner approached this Court in Writ Petition No.150/2024, the decision of committee to not shift him to Open Prison was set aside by this Court vide order dated 12.12.2024, stating therein that the petitioner has improved his qualification in jail and acquired qualification of Master of Arts in Sociology and further that the jail authorities have certified him to be fit for work.

3. The Court also observed that merely because the petitioner is convicted for the offences punishable under Sections 302, 364 of the Indian Penal Code, 1860 that by itself will not act as an embargo on his right to claim shifting in view of the language implied in Rule 2 of the Maharashtra Open Prison Rules, 1971. Despite such status, request of the petitioner is now rejected on the ground that he is convicted for serious offence.

4. The above criteria, if accepted, would mean that the persons, who have been convicted for the offence punishable under Section 302 of the IPC will be not transferred to Open Prison.

5. The respondents shall place before us the details of persons who have been transferred to Open Prison despite having been convicted for the offence punishable under Section 302 of the

IPC. If it is found that such persons have been transferred to Open Prison, we will call upon the respondents to show cause as to why action should not be recommended against them for failure to discharge the duties.

6. List in the week commencing from 08.12.2025.

(JUDGE)

(JUDGE)

Kahale