

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.305 OF 2013

Ramesh Rupabhai Chandana ..Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Hitesh Shah for the petitioner.
Mr.J.P. Yagnik, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI AND
S.B.SHUKRE, JJ.

DATED : 5TH AUGUST, 2013

P.C. :-

1. When the writ petition was placed before us for passing orders, our attention has been invited by the learned A.P.P. to an order dated 3rd August, 2013 signed by the Additional Director General of Police and Inspector General of Prison, Maharashtra State transferring the petitioner to the competent prison and particularly the Vadodara Central Prison in the State of Gujarat.

2. Once this order has been passed, nothing survives in the writ petition as the request of the petitioner has been considered and granted, though belatedly.

3. What we find is that if under the orders of the Hon'ble

Supreme Court, trials are transferred to this State which trials are arising out of the criminal case registered in another State, then, the undertrial prisoners are transferred to this State and lodged in the prisons in this State only for the purposes of ensuring their presence during trial. It is the trial alone which is transferred to this Court. In such circumstances, whenever the prisoners are tried and after conclusion of the trial if they are convicted, the prisoners must be transferred to the competent prison in that State. That request has to be granted at the administrative level and the prisoners lodged in prisons in the State of Maharashtra should not be made to approach this Court for such innocuous claims.

4. We further clarify that if there are any further instances of this nature and which are brought to the notice of the competent authority, then, the order passed today will also govern that cases and similar orders may be obtained in their cases by the competent authority.

5. Hereinafter, it shall be the duty of the prison authorities in the Maharashtra State that after the conclusion of the trial, the convicted accused should be transferred to the prison in their State, on request by the competent prison authorities to their superiors.

(S.B.SHUKRE, J.)

(S.C. DHARMADHIKARI, J.)