

(2018) 03 RAJ CK 0073
In the Rajasthan High Court
Case No : Criminal Writ No. 676 of 2017

Hari Prasad @ Hari Banuda @APPELLANT@Hash State Of Rajasthan And Ors

Date of Decision : 08-03-2018

Acts Referred:

Citation : (2018) 03 RAJ CK 0073

Hon'ble Judges : DEEPAK MAHESHWARI, J

Bench : Single Bench

Advocate : B.R. Choudhary, Meenakshi Pareek

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner as also learned Public Prosecutor for the State.

This writ petition has been preferred to quash and set-aside the order dated 24.11.2017 passed by the Open Air (Jail) Camp Committee, Sanganer,

Jaipur and to issue direction to transfer petitioner from Central Jail, Jaipur to Open Air (Jail) Camp Sanganer, Jaipur.

Learned counsel for the petitioner submits that vide order dated 08.03.2017 issued by the Director General Prisons, Rajasthan, Jaipur, petitioner Hari

Prasad @ Hari Bhanuda was transferred to Central Jail, Jaipur from Open Air (Jail) Camp Sanganer, Jaipur on some administrative ground. Learned

counsel submits that the petitioner has never violated any discipline and regulations of the Open Air (Jail) Camp. He has been sent to Central Jail,

Jaipur on the ground that the mobile carrying SIM No.96366666603 was being used by him and its location depicts his presence out of the open jail

campus. Counsel submits that the location of the aforesaid SIM is not relevant as the petitioner is not using the SIM.

Learned counsel has further stated that as per the minutes dated 24.11.2017 of the Open Air (Jail) Camp Committee, the petitioner was found present

in the Open Air (Jail) Camp. The attendance register of the Open Air Prisoners also depicts his presence in the jail on both the time of roll calls on

relevant dates. As per the latest nominal roll, the conduct of the petitioner was found satisfactory. There is no allegation against the accused-

petitioner during last 13 years while he was detained in jail. It has also been stated in the reply submitted by the State that he has availed regular parole

twice from 10.04.2014 to 29.04.2014 and from 25.05.2017 to 22.06.2017 and has returned back on the scheduled dates. Despite this, he has been

transferred on the administrative ground to Central Jail, Jaipur. No specific reason has been assigned for transferring him to Central Jail, Jaipur from

Open Air (Jail) Camp.

Learned Public Prosecutor has vehemently opposed the prayer made by learned counsel for the petitioner. She has stated that though the SIM

No.96366666603 has been issued in the name of Deva Ram, but in-fact there is no existence any person named Deva Ram. The SIM is being used by

the petitioner. As per call details, location of this SIM is found out of the area of Open Air (Jail) Camp, that is why the committee of Open Air (Jail)

Camp has decided to transfer the petitioner to Central Jail, Jaipur.

I have given thoughtful consideration to the arguments advanced and perused the relevant documents available on record.

No document has been filed on behalf of the State to connect the petitioner with SIM No.96366666603 despite giving opportunity, so the ground

assigned on behalf of the State to transfer petitioner on the basis of location of aforesaid SIM does not appeal to logic. That is the sole ground on

which the petitioner is said to have been transferred from Open Air (Jail) Camp Sanganer, Jaipur to Central Jail, Jaipur. All other documents discussed

above clearly show that there is no allegation of breach of discipline and regulations against the petitioner.

In view of above, this criminal writ petition is allowed and the order dated 24.11.2017 passed by the Open Air (Jail) Camp Committee, Sanganer,

Jaipur is quashed and set-aside and direction is issued to transfer petitioner from Central Jail, Jaipur to Open Air (Jail) Camp Sanganer, Jaipur

immediately.