



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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Case No. 192/2008-09 | 8876

8/08/08

Name of the complainant :

Shri Dnyanoba Sakharam Vikhe
Convict No. C-2425, Ratnagiri Special Prison
Ward-1, Dist. Ratnagiri.

V/s

The Inspector General of Prisons
Pune.

Date
Coram

July 24, 2008.
Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.

PROCEEDINGS

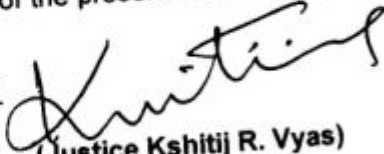
At the time of hearing Sr. Jailor Gr.1 Shri Vilas P. Kapade, Ratnagiri Special Prison, Ranagiri is present. The Jail Authority have also produced convict prisoner Shri Dnyanoba Sakharam Vikhe the complainant before the Commission though not ordered by the Commission. Heard, prisoner as well as the Jail Officer. The convict who is undergoing lifer for the offence committed by him under sec. 302 IPC has prayed to transfer him to Aurangabad Central Prison from the Ratnagiri Special Prison, Ratnagiri where he is undergoing sentence of imprisonment.

It appears that he is in Ratnagiri Central Prison since 18.7.2006. It further appears that because of his certain activities he was required to be transferred from Aurangabad Central Prison to Ratnagiri Special Prison. He has also filed one application being case No. 1774/2007-08 with respect to the very prayer. However, this Commission dismissed the said complaint on 4.2.2008 for the reasons recorded therein. Therefore, with respect to the same prayer the convict is not entitled to file second complaint. Commission could have dismissed this complaint on this short ground. However, on humanitarian ground complaint deserves some consideration.

It is submitted by Sr. Jailor Shri Kapade of Ratnagiri Special Prison that the request made by the convict to transfer him from Ratnagiri to Aurangabad is under consideration by the Inspector General of Prisons. It is submitted that the Jail authorities are conscious of the fact that by transferring the convict to Ratnagiri has caused hardship to the family members of the convict, as it is not possible for them to meet him at Ratnagiri, which is about 700 kms from the place where his relatives are staying. Therefore, a proposal to shift him at Parbhani District Prison, which is nearer to the place where his relatives are staying, is under consideration by the Dy. Inspector General of Prisons, Central Region, Aurangabad. Even if the said proposal is accepted by the said authority that will not solve the problems of the convict as that would be a temporary measure. By transferring the convict to a place which is of a distance of about 700 Kms, will certainly take away the rights of the relatives of the convict to meet him for all the times.

In the opinion of the Commission, the question requires serious consideration. The Commission, therefore, recommends that the Jail authorities should consider not only the case of the present convict, but also other convicts who are residing at a nearby place before transferring the concerned convicts to other prisons. The case of the present convict may be considered accordingly.

With this recommendation, the complaint is disposed off.


(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; July 24, 2008.

