

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.265 OF 2005**

Mohammad Jaffar Ismail Sayyad

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms R.M.Gadhvi,A.P.P. for State

**CORAM: A.S.OKA,J.
DATE : JUNE 30,2005.**

P.C.:

1. Heard the learned A.P.P. for State. The learned A.P.P. has brought to my notice various averments made by the Applicant in his Application submitted through jail. At present the Applicant has been detained in Kolhapur Central Prison. It appears that the Applicant has made an application for transferring him to Thane Central Prison. The said application came to be rejected and therefore the present application has been submitted through jail.

2. The Superintendent of Thane Central Prison has submitted a report to this Court through the learned A.P.P. In the said report it is stated that at present there is no place available in Thane Central Prison as number of prisoners in the said jail as of today exceed the capacity of the jail. However, he has stated that in case the Applicant desires that he should be shifted temporarily to the Thane Central Prison, his request can be considered.

3. In view of the report which is placed on record, relief as prayed for cannot be granted to the Applicant. Therefore, the prayer made in the Application is rejected. However, if the Applicant desires that he should be transferred for a temporary period to the Thane Central Prison for the purpose of having interview with the relatives, it will be open for the Applicant to make appropriate application. If such application is made, the concerned Authority will pass appropriate order on such application expeditiously in the light of assurance given in the report submitted by the Superintendent of Thane Central Prison to this Court.

4. Copy of this order be forwarded to the Applicant.

JUDGE