

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Cr1.) No. 228/2022

SHINDE MOHAN KALU

Petitioner(s)

VERSUS

THE STATE OF NAGALAND & ANR.

Respondent(s)

(FOR ADMISSION)

Date : 16-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. Astha Sharma, AOR
 Ms. Mantika Haryani, Adv.
 Mr. Sanjeev Kaushik, Adv.

For Respondent(s) Ms. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.
 Ms. Limayinla Jamir, Adv.

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In the first call of this matter, Mr. Sachin Patil, learned counsel appearing for respondent No. 2 - State of Maharashtra submitted that the proposal for transfer of the petitioner has been approved in terms of Section 3 of the Transfer of Prisoners Act, 1950 with certain conditions.

We had expressed reservations about such irrelevant conditions only for the purpose of transfer of the prisoner i.e.

the petitioner, including the query as to whether the appeal filed by the petitioner was pending or not.

Upon our expressing reservations, learned counsel Mr. Patil prayed for some time to re-advise the authorities concerned appropriately.

Now, in the second call of the matter, Mr. Patil has placed before us an order issued today removing the questionable conditions but with other conditions about the date of transfer to be communicated and further that once he is transferred to Maharashtra State, his request for re-transfer to Nagaland will not be considered.

It is not in dispute that when the Government of Maharashtra has acceded to the proposal for transfer of the petitioner, the Government of Nagaland is required to take follow up steps. Obviously, looking to the predicament stated by the petitioner and in conformity of his human rights, it is required that the Government of Nagaland now proceeds expeditiously.

Having said so, we defer this matter today, be listed tomorrow.

(NEETA SAPRA)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)