

Ibrahim Moosa Chohan & 6 Others. ..Petitioners.
Versus
 State of Maharashtra & Others. ..Respondents.

Mrs. Farhana Shah for the Petitioners.
Mrs. S. V. Sonawane, Public Prosecutor for the Respondent-State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **April 22, 2015.**

P. C. :

1. Heard.
2. By this petition under Article 226 of the Constitution of India, the Petitioners have sought directions to the respondent – State Authorities to grant 42 days of ordinary remission to the Petitioners for the period as stated in the Table below :

I S. No.	II Names of Convicts	III Date of Conviction	IV Date of Sentence	V Punishment awarded RI for
1.	Ibrahim Moosa Chohan	29.11.2006	06.06.2007.	10 yrs.
2.	Khalil Ahmed Sayedali Nazir	16.10.2006	30.05.2007.	10 yrs.
3.	Mohd. Rafiq Moosa Biyariwala	15.11.2006	31.05.2007.	7 yrs.
4.	Altafali Mushtaqali Sayed	24.11.2006	05.06.2007.	10 yrs.
5.	Gulam Hafiz Shaikh @ Baba	16.10.2006	01.06.2007.	8 yrs.
6.	Asif Yusuf Shaikh	03.11.2006	31.05.2007.	8 yrs.
7.	Mujeeb Sharif Parkar	10.11.2006	24.05.2007.	5 yrs.

3. The Petitioners herein were convicted on the date mentioned in Column No.III of the Table above by the designated Court under various provisions of the Indian Penal Code, 1860 and the Terrorist and Disruptive Activities (Prevention) Act, 1985 and they were sentenced on the dates mentioned in Column No.IV above to undergo rigorous imprisonment for the period as stated in Column No.V above .

4. The petitioners herein have been granted ordinary remissions from the date of sentence. The grievance of the petitioners is that they are entitled for the remission for the period from the date of conviction till the date of sentence. In the light of this contention, the only point falling for our consideration is whether the petitioners are entitled for remission from the date of conviction.

5. The very issue has arisen for our consideration in Writ Petition No. 4396 of 2014 and this point has been decided by us by passing a detailed order in the said Writ Petition on 12th February 2015. In view of the said decision, the Petitioners herein are entitled for the remission from the date of their admission into the prison upon conviction.

6. We, therefore, direct the Respondent–Authorities to calculate the ordinary remission to which the Petitioners are entitled taking into consideration the Petitioners' date of admission into prison

as stated in the Table above.

7. With above directions, writ petition is disposed.
8. Parties to act on the authenticated copy of this order.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]