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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1441 OF 2017

Ismail @ Salim@ Javed Yusuf Shaikh ...Petitioner

Vs.

The State of Maharashtra ...Respondent

Ms. Rohini Dandekar, Advocate appointed for
the Petitioner

Mrs. G.P. Mulekar, A.P.P. for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.**

DATED :21ST APRIL, 2017

P.C. :

1. Heard both sides.
2. By judgment and order dated 18th August, 2007 passed by the learned Adhoc District Judge - III and Additional Sessions Judge, Sewree, Mumbai the Petitioner has been convicted under Section 302 r.w. Section 34 of the Indian Penal Code in Sessions Case No.704 of 1999. Being aggrieved thereby the Petitioner preferred Criminal Appeal No.632 of 2008 before this Court. By judgment and order dated 14th June 2013 the Appeal came to be dismissed.

3. The case of the Petitioner has been categorized by the Government under the guidelines for premature release and he has been placed in category 4(e) of the 2010 Guidelines. This category states that the convict shall be released from imprisonment after undergoing 26 years including remission subject to a minimum of 14 years of actual imprisonment including set-off period. The prayer of the Petitioner is that this period be reduced.

4. It is seen that the Petitioner is placed in category 4(e) i.e. murder committed with exceptional violence / brutality. The facts of this case show that on 4th October, 1998 the Petitioner along with co-accused fired at Mohammed Yunus Jafar Shaikh. Mohammed Yunus Jafar Shaikh was taken to the hospital where he was declared dead. It is seen that Mohammed Yunus Jafar Shaikh had sustained seven fire arm injuries. This shows that the murder was committed with exceptional violence. Hence, we cannot find any fault with the categorisation of the Petitioner whereby he has been placed in category 4(e) of the 2010 guidelines. Thus no case is made out for interference. Rule is discharged.

5. The office to communicate this order to the Petitioner who is in Kolhapur Central Prison, Kalamba.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI, J.)