

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

CRIMINAL WRIT PETITION NO.663 OF 2003

The State of Maharashtra : **Petitioner.**
Versus
Sayed Khwaja Ayub : **Respondent.**

Mrs. P P Shinde, APP for the Petitioner/State.
Mr. Mihir Desai, Senior Advocate, for the Respondent.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 04th JUNE 2018

P.C.

1 The challenge in the above Writ Petition is to the order dated 28/02/2003 passed by Special Court in so far as it directs payment of Rs.5,000/- per month to the Respondent as compensation towards disappearance of his son Sayyed Khwaja Yunus Sayyad Ayub (for short Khwaja Yunus).

2 The above proceeding i.e. the Writ Petition has had a chequered history inasmuch as it was heard along with the companion Writ Petition being No.1017 of 2005 filed by the wife of the Respondent herein i.e. the mother of the said Khwaja Yunus. However suffice it would be to state that a Division Bench of this Court A. M. Khanwilkar, J. as His Lordship then was, and P. D. Kode, J. by order dated 10/04/2012 had directed payment of a sum of Rs.20,00,000/- as compensation to the wife of the Respondent herein which order was passed in the said Writ Petition No.1017 of 2005. The said order as

can be seen exposit that the amount to be paid as compensation under the order passed by the Special Court was to be adjusted against the said amount of Rs.20,00,000/-. The said order further exposit that the wife of the Respondent herein was to elect between the said two compensations to be paid and accept Rs.20,00,000/- as in full and final settlement of her claim towards the disappearance of her son Khwaja Yunus.

3 The learned Senior Counsel appearing on behalf of the Respondent herein Shri Mihir Desai states that the Respondent herein is satisfied with the payment of Rs.20,00,000/- as directed by the order dated 10/04/2012 passed by the Division Bench of this Court which amount has already been paid and would not like to pursue the matter in so far as payment of Rs.5,000/- per month to the Respondent herein is concerned.

4 In view of the said statement of the learned Senior Counsel for the Respondent herein, the challenge in the above Writ Petition filed by the State has turned infructuous. Hence by accepting the said statement of the learned Senior Counsel for the Respondent, the above Writ Petition is disposed of as having turned infructuous.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]