

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

CRIMINAL WRIT PETITION NO. 5276 OF 2017

Mujammil Hussain Shabbir Ahmed ...Petitioner
Versus
The State of Maharashtra ...Respondent

Ms Rohini Dandekar, appointed Advocate – for the
Petitioner.

Mr. Arfan Sait, APP for the Respondent-State.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J.&
M. S. SONAK, J.**

DATE : 12.07.2018.

P.C.

1] The petitioner has preferred this petition through jail seeking parole on the ground of illness of his father. The record shows that the application is dated 25.3.2015. It is seen that the petitioner has preferred Criminal Writ Petition No. 2735 of 2018, wherein also he prayed for parole on the ground of illness of his father. The record shows that the application for parole referred to in Criminal Writ Petition No. 2735 of 2018 is the very same application which is relating to the present petition.

2] In Writ Petition No. 2735 of 2018, as the petition was preferred through Jail, Ms Rohini Dandekar, who is on the Panel of Advocates of High Court Legal Services Committee, was appointed to represent the petitioner in the said petition. As the said petition refers to the very same application for parole preferred by the petitioner, she is also appointed in the present matter.

3] The grievance of the petitioner in the present petition is that his application for parole dated 25.3.2015 came to be rejected, hence, he preferred an appeal. However, the said appeal was not decided and it was kept pending. The record shows that the said appeal came to be dismissed on 13.2.2017. The said order is produced by the learned APP and it is taken on record and marked as "X" for identification. Apparently, the petitioner did not know the fact that his appeal was dismissed, when he made the abovementioned grievance in this petition. As stated earlier, the appeal was in fact decided on 13.2.2017, thus, the grievance of the petitioner, i.e., the appeal was not decided and was kept pending, does not survive, hence, this writ petition is disposed of as infructuous.

4] Office to communicate this order to the petitioner who is in Nashik Road Central Prison, Nashik.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

Dinesh
Sadanand
Sherla

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by Dinesh
Sadanand
Sherla
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2018.07.17
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