

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 963 OF 2021

Shahanawaz Abdul Kadar Qureshi ..Petitioner.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Jagdish Shetty along with Mr. Ayub Shaikh for the petitioner.
Smt. A. S. Pai, APP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.

Date : **May 11, 2021.**
[Vacation Court]

P. C. :

1. Heard learned counsel for the petitioner. The petitioner was charged for the commission of the offences punishable under section 3(3) of TADA Act and section 120B of the IPC read with 3(3) of TADA Act read with 5(ii) TADA read with 302, 307, 326, 324, 435 and 436 read with 34 of the IPC read with 3(i) Explosive Substance Act read with 4(b) Explosive Substances Act read with 9B Explosive Substance Act and was convicted in TADA Case No. 1 of 1993 for life imprisonment by the learned trial Court. At present, the petitioner is lodged at Yerwada Central Prison, Pune as Convict No. C/15145.

2. Learned counsel for the petitioner submitted that on 7th December 2020 the Petitioner submitted an application for parole leave on the ground of ailment of his wife. As per the procedure, the Superintendent of Prisons forwarded the said communication to the

Assistant Commissioner of Police for submitting a police enquiry report so as to take appropriate decision on the parole application of the petitioner. It is submission of the learned counsel for the petitioner that though much time has been elapsed, no decision is taken and the competent authority is sitting tight over the application. It is also submission of the learned counsel for the petitioner that as the petitioner is raising the ground of ailment of his wife, there is an extreme urgency in the matter.

3. Considering the above referred facts and considering the limited prayer made in the petition, we are of the opinion that the petition cannot be disposed of with a direction to the competent authority, i.e., Respondent No.2 – the Divisional Commissioner of Pune. Accordingly, the petition is disposed of with a direction to the Divisional Commissioner, Pune to decide the application of the petitioner seeking parole leave as early as possible and not later than four weeks from today.

4. All concerned to act upon the authenticated copy of this order.

[N R. Borkar, J.]

[Prasanna B. Varale, J.]