

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3943 OF 2021

Azizuddin Zahiruddin Shaikh

.... Petitioner

versus

State of Maharashtra

.... Respondent

.....

- None for Petitioner.
- Mr.K. V. Saste, APP for State/Respondent.

CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.

DATE : 9 DECEMBER 2021

P.C. :

1. By this Petition, the Petitioner has sought to be released on emergency (Covid-19) parole. The same has been rejected by the Respondent by order dated 23 May 2020.

2. The Petitioner is convicted under section 302 r/w provisions of MCOC also under section 307 r/w provisions of MCOC. Vide judgment and order dated 5 September 2020 the Petitioner was sentenced to death in Criminal Appeal No.661 of

MANUSHREE
V
NESARIKAR
Digitally
signed by
MANUSHREE
V
NESARIKAR
Date:
2021.12.15
17:14:19
+0530

2000. The sentence of death was reduced and substituted with sentence for imprisonment for life. The State of Maharashtra has classified period of punishment as of 60 years.

3. The request for grant of emergency (Covid-19) parole is made in reference to Rule 19(1)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules 1959 (as amended) by Amendment Rules, 2020. Rule 19(2) provides that the direction to release the prisoners on account of emergency (Covid-19) Rules will not be applicable to offence under special Acts such as MCOC. Therefore we find that there is no error in the order passed by the Respondent rejecting the request of the Petitioner to be released on emergency (Covid-19) parole.

4. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)