

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2798 OF 2017

Ehtesham Qutubuddin Siddiqui ... Petitioner
Vs.
Public Information Officer and another ... Respondents
WITH
CRIMINAL APPLICATION NO.145 OF 2019
IN
CRIMINAL WRIT PETITION NO.2798 OF 2017

Through Post. None for Petitioner.

Mr. Y. M. Nakhwa, APP for Respondents-State.

Mr. Balasaheb Arjun Palve, Jailor Class-2, Thane Prison is present.

**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : JUNE 17, 2022

P.C. :

. The petitioner has sought for the following substantive reliefs:-

“(b) To issue the production warrant, directing the Supdt. Nagpur Central Prison to produce the petitioner before this Hon’ble Court for hearing of this petition in person.

(c) To direct the Respondent to provide the information sought by the petitioner.

(d) To struck down the Rule 13(a) of Bombay High Court RTI (Revised) Rules, 2009.”

2. It appears that at the relevant time when the application was filed by the petitioner addressed to the Hon’ble the Chief Justice of this Court, he was being tried in MCOC Special Case No.21 of 2006 before the Special Judge for MCOC and NIA, Greater Bombay.

3. Mr. Nakhwa, learned APP, on instructions, submits that after the full-trial, the petitioner is convicted and has been undergoing the sentence in Mumbai Central Prison. He was transferred from Nagpur Prison to Mumbai

Central Prison on 10.10.2015.

4. In view thereof, the question of producing the petitioner before the Special Court on the dates fixed for hearing would not arise.

5. From perusal of prayer clauses (c) and (d), it appears that the petitioner has sought certain information under the R.T.I. Act about the appointment of Special Judge so as to agitate the point of transparency in the appointment of judges to try the special cases; he has also prayed to struck down the Rule 13(a) of the Bombay High Court Right to Information (Revised) Rules, 2009. Since the petitioner was tried by the Special Court and now stands convicted, the relevance of the said information sought under R.T.I. or challenge to Rule 13(a) of the said Rules has become redundant. Moreover, the said prayers and grievances were made in the year 2017.

6. In view of the above as also due to the passage of time, we are unable to persuade ourselves to grant any relief to the petitioner. Hence, the petition stands rejected.

7. In view of the disposal of the main writ petition, nothing survives in pending Criminal Application No.145 of 2019 and the same stands disposed of.

8. Registry shall send a copy of this order to the concerned jail authority, who in turn shall communicate the same to the petitioner.

(MILIND N. JADHAV, J.)

(S. S. SHINDE, J.)