

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 187 OF 2022

Shri Asgar Kadar Sheikh
C-6473, Aged about 55 years Occ: Nil,
R/o Katshevari, Post Golegaon, Tah.
Khultabad, Dist. Aurangabad.

... PETITIONER

---VERSUS---

1. State of Maharashtra,
Through Superintendent of Jail,
Central Jail, Nagpur.

2. Divisional Commissioner,
Nagpur Division, Nagpur

...RESPONDENTS

Shri Raju Kadu, Advocate for petitioner.
Ms N.R. Tripathi, Additional Public Prosecutor for respondent nos.1 & 2.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 4th APRIL, 2022.

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. By this writ petition under Articles 226 and 227 of the Constitution of India the petitioner is seeking direction to decide the application dated 10.10.2021 for grant of emergency parole.

4. The averments in paragraph 2 of the petition disclosed that the petitioner has been convicted for the offence punishable under Sections 302 (imprisonment for life), 324 (10 years), 307 (10 years), 324 (3 years), 326 (7 years), 435 (5 years), 34 and 12B of the Indian Penal Code read with Section 151 of Railways Act and Section 4 of the Protection of Public Properties Act in case popularly known as 1996 Bombay Blast case.

5. On careful perusal of the offences for which the petitioner convicted disclose that offence punishable under Special Act. The Full Bench of this Court in the case of **Pintu Uttam Sonale Vs. State of Maharashtra** reported in **2020 (6) Mh.L.J. 627** has held that the prisoners who were convicted for the offence punishable under Special Act are not entitled for being released on emergency parole.

6. Learned counsel for the petitioner submitted that the Coordinate Bench of this Court at Aurangabad has released similar prisoners on emergency parole.

7. We have carefully considered the submissions of the petitioner and we are of the opinion that in the Full Bench judgment of this Court has already held that prisoners who are convicted for the offence under the Special Act are not entitled for the benefit of emergency parole. We are bound by the judgment of Full Bench. Therefore, find no substance in the submission made on behalf of the petitioner. Writ of mandamus sought by the petitioner is futile. This Court cannot issue futile writ. There is no merit in the petition. The petition stands dismissed.

Rule stands discharged. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE

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