

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2735 OF 2021**

Farookh Ilyas Motorwala

..... Petitioner

V/s.

The State of Maharashtra & Ors.

..... Respondents

Ms. Sakshee P. Chavan (Appointed through Legal Aid) for the Petitioner.
Mrs. M. H. Mhatre, APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 28th AUGUST, 2023.

P.C.:-

- 1) Heard learned Advocate appointed through Legal Aid Committee at length and perused the record.
- 2) Petitioner has prayed for granting him the benefit of Special Remission pursuant to the Circular dated 6th August 1997 issued by the Government, on the occasion of completion of Golden Jubilee to Indian Independence. It is his contention that co-accused in the same case have been extended with the same benefit and therefore he also be given the benefit of said Special Remission.
- 3) Mr. Pramod B. Wagh, Superintendent, Nashik Road Central Prison, Nashik has filed his Affidavit-in-reply dated 2nd March 2023. It is

stated that, the co-accused of the Petitioner viz., Issa @ Ajum Abdul Razzak Memon was given the said benefit of Special Remission. However, it was an inadvertent mistake which was subsequently noticed by the Jail Authorities and thereafter the benefit of Special Remission given to him has been withdrawn *vide* communication dated 12th December 2020 issued by Superintendent of Aurangabad Central Prison. It is stated that, as Special Remission benefit is not applicable in case of convicts of Bombay Bomb Blast, the same cannot be extended to any of the convicts.

4) It is therefore clear that, the Petitioner cannot be granted benefit of Special Remission on account of Golden Jubilee to Indian Independence pursuant to the Circular dated 6th August 1997, issued on the said occasion.

5) In view of the above, Petition does not survive and is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)