

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1586 OF 2025

Abu Salem Abdul Qayoom Ansari	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

Ms. Farhana Shah for the Petitioner.
 Mr. Hiten Venegaonkar, PP with Mr. M. M. Deshmukh, APP for State.
 Mr. Shreeram Shirsat with Mr. Shekhar Mane for Respondent No.4/UOI.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**
DATE : 08 APRIL 2025

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P.C.:

1. The proceedings are listed before us as an alternate Bench. We find from the earlier orders passed by a co-ordinate Bench that Union of India was directed to be impleaded as a party respondent, more particularly in view of the following observations of the Supreme Court in paragraph 54 of its decision dated 11 July 2022 in Criminal Appeal No. 679 of 2015 filed by the petitioner:-

“54. In view of the aforesaid facts and circumstances, we conclude that the detention of the appellant commence from 12.10.2005 in the present case. On the appellant completing 25 years of sentence, the Central Government is bound to advise the President of India for exercise of his powers under Article 72 of the Constitution, and to release the appellant in terms of the national commitment as well as the principle based on comity of courts. In view thereof, the necessary papers be forwarded within

a month of the period of completion of 25 years sentence of the appellant. In fact, the Government can itself exercise this power in terms of Sections 432 and 433 of the Cr. P.C. and such an exercise should also take place within the same time period of one month.”

2. In terms of what has been observed by the Supreme Court, that the detention of the petitioner would commence from 12 October 2005, the respondents need to address the issue as to whether the petitioner is correct in raising a contention that his 25 years of sentence expired on 31 March 2025.

3. Let the respondents including Union of India file reply affidavit to the petition on or before the adjourned date of hearing, however, copy of the same be furnished to the advocate for the petitioner and the parties well in advance.

4. Stand over to **29 April 2025 at 02.30 p.m.**

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]