

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4620 OF 2025**

Shahnawaz Abdul Kadar Qureshi

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms. Farhana Shah a/w Adv. Amna Khan for Petitioner.

Mr. Amit A. Palkar, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
 RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 10th December 2025

P.C. :

1) By this Petition under Article 226 of the Constitution of India, the Petitioner, a convict in TADA Special Case No. 1 of 1993 has impugned the Orders dated 25th April 2025 passed by the Competent Authority and 21st July 2025, passed by the Appellate Authority, rejecting his Application for parole leave.

2) Heard Smt. Shah, learned Advocate for Petitioner and Mr. Palkar, learned APP for Respondent, State. Perused Affidavit of Shri Sunil Dhamal, Deputy Inspector General of Prison, Western Region, Pune.

3) The Petitioner is seeking parole leave on the ground that, his wife is suffering from a heart ailment and her medical condition, as reflected

in the angiography reports, is adverse. The competent Authority so also the Appellate Authority have rejected the request of the Petitioner on the ground that, he was one of the prime accused in 1993 bomb blast case, which took place in the city of Mumbai. That, the trial Court had awarded him the death sentence, which was subsequently commuted to the imprisonment for life i.e. the Petitioner has to undergo imprisonment till his natural death behind the bars and on this predominant ground, his request of parole leave is rejected.

3.1) Record indicates that, the Petitioner was released on regular parole on 6th December 2014 and he reported back to the Jail Authority on 5th January 2015. The Petitioner was thereafter first time released on emergency parole for one day with escort on 21st December 2017 under the Orders of this Court passed in WP No. 4527 of 2017, dated 19th December 2017. The Petitioner was thereafter for second time released on emergency parole for one day with escort on 21st August 2022 under the Orders of this Court passed in WP No. 2949 of 2022, dated 18th August 2022. The Petitioner was again third time released on emergency parole for one day on 8th November 2023, with escort under the Orders of this Court passed in WP No. 3654 of 2023, dated 6th November 2023.

4) In view of deliberation in the Court on earlier occasion, Smt. Shah, learned Advocate appearing for the Petitioner on instructions submitted that, as the Petitioner is behind bars for last more than 30 years, the economic condition of his wife is very precarious. The son of the

Petitioner is maintaining his family consisting of his wife and unmarried sister. That, the Petitioner's family members are unable to pay regular escort charges, which are levelled as per the rules. He submitted that, due to the precarious financial condition of the Petitioner's family, the Petitioner is unable to pay the regular escort charges. Learned Advocate on instructions submitted that, the Petitioner's family members may be able to pay a sum of Rs. 50,000/- towards lump-sum escort charges, if the Petitioner is released on parole leave for a limited period.

5) Learned APP submitted that, the Petitioner is convicted under the provisions of the TADA Act. In Appeal to the Hon'ble Supreme Court, the Hon'ble Supreme Court has commuted his death sentence to imprisonment for life till death. He submitted that, in view of the amendment to the Rule 14(1) of Chapter III of the Maharashtra Prisons (Furlough and Parole) Rules, the Petitioner being a convict and sentenced for imprisonment of life till death cannot be released on parole leave.

5.1) Learned APP after perusing the record fairly conceded to the fact of release of the Petitioner on parole leave on earlier four occasions.

6) We have been informed that, the Petitioner as of today is about 64 years of age and has undergone about 33 years in incarceration. The Nominal Roll annexed to the Affidavit of Deputy Inspector General of Prison, Western Region, Pune, dated 30th November 2025, indicates that, the conduct of the Petitioner in the jail is satisfactory and there are no adverse

remarks against him. There is no other case pending against the Petitioner, as per the said report.

7) After taking over all view of the matter, we are inclined to release the Petitioner on parole leave for providing medical treatment of his ailing wife for a period of five days.

7.1) Hence, the following Order.

[i] The Orders dated 25th April 2025 passed by the competent Authority and 21st July 2025, passed by the Appellate Authority, are set aside.

[ii] The Petitioner be released on parole leave from 11.00 a.m. of 15th December 2025 till 5.00 p.m. of 19th December 2025.

[iii] Before his release from jail on parole, the Petitioner shall deposit Rs. 50,000/- with the Superintendent of Yerawada Central Prison, Pune, towards lumpsum escort charges.

[iv] The Competent Authority providing escort shall not charge more than Rs. 50,000/- to the Petitioner.

[v] As the Petitioner is visiting his residence and for the reason stated hereinabove, we direct the escort party to be in civil dress.

[vi] The Petitioner shall report to the jail Authority on or before 5.00 a.m. of 19th December 2025.

8) Petition is allowed in the aforesaid terms.

- 9) List the Petition on 22nd December 2025, under the caption 'For Reporting Compliance' of present Order.
- 10) All the concerned to act on the basis of an authenticated copy of this Order.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)