

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

CRIMINAL WRIT PETITION NO.638/2020

Munna Gopal Thakur
..Vs..
The State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D. Chande, Advocate for the petitioner.
Ms N.R. Tripathi, A.PP for the respondents.

CORAM :- **SUNIL B. SHUKRE AND**
AVINASH G. GHAROTE, JJ.
DATED :- **4.2.2021.**

1. Heard.
2. The petitioner has sought declaration that rule 19(2)(B)(i) and rule 19(2)(C)(i) are ultra vires Articles 14 and 21 of the Constitution of India and contrary to the object of Prisons (Bombay Furlough and Parole) Rules, 1959 as envisaged under rule 1(A) thereof. However, this challenge appears purely academic as the application dated 10.8.2020 filed by the petitioner seeking his release on parole is still pending with the Authorities. Unless and until, this application is decided and rejected, no concrete grievance for the petitioner will arise in this case and, therefore, deciding the issue of *vires* of the aforestated rules would only be academic. It is well

settled law that the constitutionality of any provision of law is not decided for any academic purpose. We would, therefore, not entertain this petition, however, we grant liberty to the petitioner to press his application dated 10.8.2020 for its appropriate and expeditious decision. We also direct respondents to decide this application expeditiously in accordance with law, bearing in mind the law laid down by the Full Bench of this Court in its judgment dated 13th September, 2019 delivered in the case of Kantilal Nandlal Jaiswal V/s. Divisional Commissioner, Nagpur Division, Nagpur and another in Criminal Writ Petition No.1046/2018, within a period of four weeks from the date of receipt of the order. Writ petition is, therefore, disposed of accordingly.

JUDGE

JUDGE