



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

Criminal Writ Petition No.151 of 2024

Sanjay s/o Jaganath Gulhane and others

vs.

The State of Maharashtra, through P.S.O., P.S. Bhis, Chandrapur and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. P.D. Sharma, Advocate for the Petitioners.

Mr. C.A. Lokhande, A.P.P. for Respondent No.1.

Mr. A.A. Dhawas, Advocate for Respondent Nos.2 and 3.

CORAM : M.W. CHANDWANI, J.

DATE : 11th MARCH, 2024.

Heard.

02] The order extending the interim relief for a month while dismissing the revision of respondent Nos.2 and 3 is under challenge.

03] The learned Counsel appearing for the petitioners submits that since the Sessions Court has itself held that the revision of the respondent Nos.2 and 3 is not maintainable, the Court could not have extended the interim relief.

03] To buttress his submission, the learned Counsel for the petitioners seeks to rely on the decision of this Court in the case of Kailash Dattatraya Jadhav and another vs. State of Maharashtra, through Sakinaka Police Station and another – 2017 ALL MR(Cri) 1647, wherein it has been held that the Sessions Court does not have power to quash the F.I.R.

04] Since, the order dated 31/01/2024 passed by the learned Additional Sessions Judge, Warora, extending the interim protection to

the respondents for one month has already expired, nothing remains in this petition and the petition becomes infructuous. In the case of Loknath Padhan vs. Birendra Kumar Sahu – (1974) 1 SCC 526, the Supreme Court has held that the Court should not undertake to decide an issue, unless it is a living issue between the parties. If an issue is purely academic in that, its decision one way or the other would have no impact on the position of the parties, it would be waste of public time and indeed not proper exercise of authority for the Court to engage itself in deciding it. Accordingly, the writ petition is disposed of.

JUDGE

**sandesh*