

**SUPREME COURT OF INDIA**

Subhash Yadav

Vs.

State of U.P.

Writ Petition (Crl.) No. 317 of 1987

(A.S. Anand, C.J. G.T. Nanavati and K.T. Thomas, JJ. D.P. Wadhwa and S. Rajendra Babu, JJ.)

16.11.1999

**ORDER**

1. In each one of these three petitions, challenge to the constitutional validity of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 has been made by the petitioners, who were booked under the said Act besides certain other offences under the Indian Penal Code in pursuance of different FIRs registered against them.

2. A Full Bench of the Allahabad High Court in *Ashok Kumar Dixit v. State of U.P.* upheld the constitutional validity of that Act. A special leave petition, being SLP (C) No. 10766 of 1987 stands dismissed by this Court on 5-11-1997.

3. We had started hearing arguments in the writ petitions when the matters remained part-heard. We have now been informed that Subhash Yadav, petitioner in Writ Petition (Crl.) No. 317 of 1987 was discharged by trial court as early as on 3-4-1990 while Amar Mani Tripathi, petitioner in Writ Petition (Crl.) No. 407 of 1987 was acquitted by the trial court on 5-11-1992. Learned counsel for Jitender, petitioner in Writ Petition (Crl.) No. 562 of 1987 submits that despite numerous attempts made to contact the petitioner and find out about the position of the criminal case against him, there is no response. Learned counsel has, therefore, reported no instructions to pursue the writ petition any further.

UR 1987 All 235 (FB)

4. In view of the developments which have taken place by the discharge of petitioner Subhash Yadav and acquittal of petitioner Amar Mani Tripathi and no instructions having been reported on behalf of petitioner Jitender nothing survives for consideration in these writ petitions, as the benches which determine the constitutional validity of the Act, would now be only of academic interest insofar as these cases are concerned. Writ Petitions Nos. 317 and 407 of 1987 are, therefore, dismissed as infructuous while Petition (Crl.) No. 562 of 1987 is dismissed for non-prosecution. No costs.

(2000) 10 SCC 145

