

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

Criminal Writ Petition No.317 of 2015

Shri Vaibhav s/o Sahebrao Kamble

-Vrs.-

The State of Mah. through its Secretary, Ministry of Home Affairs,
Mantralaya, Mumbai.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Y.V. Nayyar, advocate for petitioner.
Shri Sunil Manohar, learned Advocate General with Mrs. Dangre, Govt.
Pleader for respondents - State.

CORAM : A.B.CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATED : 13th APRIL, 2015

Following is the prayer clause (1) in the present writ petition.

“1. Issue writ of mandamus or any other appropriate Writ directing the respondent no.1 to 3 to direct CBI inquiry in the incidence dated 31.03.2015 of jailbreak registered vide Crime No. 3032/2015, State of Maharashtra Vs. Bisen Singh and others, registered by Police Station Dhantoli (Annexure-1) U/s 224 r/w sec. 34 of Indian Penal Code, in the interest of justice.”

Upon hearing Shri Y.V. Nayyar, the learned counsel for the petitioner, and Shri Sunil Manohar, the learned Advocate General with Mrs. Dangre, Govt. Pleader of Maharashtra State and upon perusal of the record, we find that

the petitioner has not approached the State Government requesting for the reliefs sought from this court in the present writ petition before seeking the Writ of Mandamus from this court. It is a well settled legal position that the Writ of Mandamus cannot be issued in such eventuality. Though we have doubt about the *locus-standi* of the petitioner to maintain the present writ petition, we do not decide the question, but we hold that the petition is pre-mature. Hence, the following order.

Order.

Criminal Writ Petition No.317/2015 is not entertained and is disposed of.

JUDGE

JUDGE

Hirekhan