

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.38 OF 2015

Abdul Rehman @ Baba Shaikh

..... Petitioner

V/s

State of Maharashtra & Ors.

..... Respondents

Mr. Vinod Joshi for the Petitioner.

Dr. F.R. Shaikh, APP for the Respondent No.1.

Mr. N.V. Walawalkar, Senior Advocate i/b Mr. Dinesh B. Khaire for the Respondent No.3.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 14 JULY 2016

ORDER:

1 Heard the learned Counsel appearing for the Petitioner. The prayers are for writ of mandamus. The first prayer is for issuing a writ of mandamus ordering the investigation through the Director, Anti-corruption Bureau or the Central Bureau of Investigation. The second prayer is for a writ of mandamus directing the first Respondent/State of Maharashtra to take action against some of its officers and other persons. Firstly, the Petitioner has made no attempt to set a criminal law in motion. Secondly, before seeking a writ of mandamus by filing a Writ

Petition under Article 226 of the Constitution of India, he has not approached the concerned authorities calling upon them to perform their statutory duties. Therefore, in view of the law laid down by the Apex Court in paragraph nos.24 and 25 of the decision in the case of **Saraswati Industrial Syndicate Ltd. and Others vs. Union of India**,¹ we declined to entertain this Public Interest Litigation however, remedies of the Petitioner are kept open.

(A.A. SAYED, J.)

(A.S. OKA, J.)

katkam

¹ (1974) 2 SCC 630