

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 325 OF 2015

Smt. Rajkanya Satyanarayanji Kalani
and others

....Petitioners.

Versus

The State of Maharashtra and others

....Respondents.

Mr. S.S. Rathi, Advocate for petitioners.

Mr. K.M. Suryawanshi, APP for State.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 1st April, 2015.

ORDER :

1. The proceeding is filed for giving direction to respondent Nos. 2 to 4 to remove the seal put on the premises/ building of the petitioners which is from Parbhani and which is shown to be sealed on 29.1.2015. Both the sides are heard.

2. The learned APP produced report submitted to him by the Officer of Collector Parbhani which is to the effect that action is taken under section 144 of Cr.P.C., 1973 as there was illegal restaurant and lodging business done by the petitioners. This Court has gone through the provision of section 144 of Cr.P.C. There is no record of making of any order under that section. In any case, even if it is presumed that the order was

made under section 144 of Cr.P.C. in view of section 144 (4) of Cr.P.C. the order does not remain in force for more than two months from making thereof. In view of these circumstances, even if the date of sealing the premises is taken as 29.1.2015, that period is over.

3. The learned APP could not show any provision under which the premises can be attached for commission of the offence like running restaurant or lodge in which they have given undertaking, not to do such business. In view of these circumstances, this Court holds that direction needs to be given to remove the seal put on the premises/building of the petitioners if it was in their possession at the time of sealing. The remaining points like absence of N.A. permission, non payment of N.A. charges etc. are kept open.

4. Petition is disposed of. Authenticated copy is allowed to learned counsel for petitioners.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/