

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2447 OF 2014

Naryan Sakharam Dabhekar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. V. R. Gaikwad, Advocate for the petitioner
Smt. P. P. Bhosale, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI, J.
DATED : -20/01/2015

P.C.

Admit. Respondents waive service. By consent of the parties taken up for final hearing.

2 Heard the learned counsel for the applicant and learned APP for the respondent-State. Rest of the respondents are formal respondents as they are accused along with the son of the petitioner.

3 The petitioner is a registered owner of Tata Sumo vehicle No. MH-43-L-7615. The said vehicle has been seized in connection with the offence punishable u/s 51 of the Wild

Life (Protection) Act, 1972. One leopard skin was found in the vehicle and, therefore, the vehicle has been seized by the competent officer. The application filed for return of vehicle has been rejected by the learned Magistrate. The revision application has also been rejected.

4 The learned counsel has relied upon the judgment of this High Court reported at **2013 All MR (Cri) 846, Jagjeet Singh v. State of Maharashtra**. It is state in the said judgment that the property involved in the offence punishable under the Wild Life (Protection) Act becomes Government property, only when the accused is convicted of the offence under the Act. The Court has taken the view that till then the discretionary powers could be exercised by the Magistrate to release the vehicle.

5 In the present case, if the vehicle is not released, it will remain unused and may become junk in the course of time. In my opinion, therefore, it is just and proper to release the

vehicle to the registered owner of the vehicle on bond with conditions. In the present case, it is noted that the registered owner is not the accused of the offence punishable u/s 51 of the Wild Life (Protection) Act. In view thereof, I pass the following order:

The vehicle Tata Sumo No. MH-43-L-7615 seized by Range Forest Officer, Mahabaleshwar, shall be released to the petitioner (registered owner) on execution of his bond of Rs. 3 lacs with following conditions:

- (1) That the petitioner will not move the said vehicle out of Satara District.
- (2) The petitioner will not change the description of the vehicle.
- (3) The petitioner will not part with the possession of the vehicle without prior permission of the learned trial Magistrate.
- (4) The petitioner shall produce the vehicle as and

when required by the Magistrate, during the course of trial.

It follows that the documents of the vehicle seized by the Range Officer shall also be released to the petitioner.

The petition stands disposed of accordingly.

(JUDGE)

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