

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## APPELLATE SIDE

## CRIMINAL WRIT PETITION NO. 27 OF 2015

Manoj Fulchand Chhajed & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Uday B. Nighot, Advocate for the petitioners

Mr. V.B. Konde-Deshmukh, Advocate for the respondent-State

CORAM:-M.L. TAHALIYANI, J.

DATED : -29/01/2015

P.C.

Admit. By consent of the parties, taken up for final hearing.

2 Heard the learned counsel for the petitioners and learned APP for the respondents No.1 and 2.

3 Soyabean (essential commodity) has been ordered to be confiscated by the Collector of Pune, in exercise of his power under section 6A of the Essential Commodities Act. The value of the property is about Rs.30,98,550/-. The petitioners have moved the sessions Court by way of filing Criminal

Appeal No. 160 of 2014. In the Criminal Appeal, an interim order below Exh.-5 has been passed by the Addl. Sessions Judge, which reads as under:

“ 1) Impugned order dated 01/12/2014 passed by District Collector, Pune in file No. 14/SR/4/2014 is hereby stayed until further order subject to following condition.

A) The appellants shall furnish 70 % bank guarantee against total amount of price Rs.30,98,550/- determined by the learned District Collector, Pune on or before 09/01/2015”.

4           After having gone through the order of the Collector and the learned Addl. Sessions Judge, I have come to the conclusion that the matter needs to be resolved at appellate level. In my opinion, this petition is premature as the appeal is pending. The only relief which can be given to the petitioner is that this Court may direct stay on the order of the Collector

till the appeal is decided finally. Hence I pass the following order:

The order of Collector passed on 1<sup>st</sup> of December, 2014 in Enquiry numbered as 14/SR/4/2014 shall remain stayed till the appeal is decided by the learned Addl. Sessions Judge, Khed, Rajguru Nagar.

The appeal shall be finally decided within a period of one month from today, keeping in view that the goods confiscated to the government are of perishable nature.

The petition stands disposed of accordingly.

5           Authenticated copy of the order be provided to the petitioners.

6           The learned Appellate Court shall act on the authenticated copy of this Order.

(JUDGE)

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