

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 370 OF 2015

Abdus Salam Ali Hasan ... Applicant.

V/s.

State of Maharashtra & Anr. ... Respondents.

Ms. Rushita Jain, Advocate i/by Law Global for the Applicant.
Ms. V.S. Mhaispurkar, APP for the State.

**CORAM : M.L.TAHALIYANI,J.
DATE : 14th JULY, 2015**

P.C. :

1 Heard the learned advocate appearing for the applicant and learned additional public prosecutor for State.

2 The applicant is aggrieved by the order passed by the learned additional Sessions Judge in criminal appeal no. 1011 of 2014. The learned additional Sessions Judge has directed the release of the motor Tanker in favour of the applicant/appellant on furnishing bank guarantee of Rs. 10/- lac. The applicant is aggrieved by the order of direction of furnishing bank guarantee of Rs.10 lac.

3 The learned counsel for the applicant submitted that the value of the Tanker is not more than 1,45,000/-. She

has produced valuation report issued by one Jayesh K. Shethia, the Engineer, Surveyor and Loss Assessor. The valuation report alongwith photographs of the vehicle be taken on record and marked as Exh. 'X' collectively.

4 Before I proceed further, it may be noted here that it is highly questionable whether the learned additional Sessions Judge could pass the order of interim custody of the motor Tanker which has been ordered to be confiscated by the authorities under the Essential Commodities Act, 1955. In these circumstances, I am not inclined to grant any relief to the applicant. However, I direct the learned additional Sessions Judge to expedite the hearing of the appeal and dispose of the same within a period of one month from the date of the receipt of this order. The learned additional Sessions Judge shall act on an authenticated copy of this order.

5 If the record and proceedings are not received from the competent authority, the learned additional Sessions Judge shall take all necessary steps to call record and proceedings.

6 The criminal application is disposed of with the above directions.

(JUDGE)

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