

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 927/2015

(Sk. Anis s/o Sk. Ibrahim vs. vs. State of Maharashtra and another)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. N.R.Saboo, Advocate for petitioner
Ms. N.P.Mehta, APP for respondents

CORAM: A.B.CHAUDHARI, J.
DATED : 17th December, 2015.

Heard learned counsel for the rival parties.

Rule. Rule heard forthwith. Ms. N.P. Mehta, learned A.P.P. waives service on behalf of respondent nos.1 and 2 and seeks time to file reply to this Petition. However since I find that the question involved in the present Application is covered by the decision of this Court in Criminal Revision No.145/2010 (Rajat Agro Industries vs. State of Maharashtra and others) decided on October 27, 2010 there is no need to have a reply from the State respondent.

The part of the order under challenge is made by the Collector, Buldana asking him to deposit the cost of the vehicle in the sum of Rs.2,50,000/- for releasing Truck Registration No. MH-28 B-7006.

It is true that the said truck was seized along with the essential commodities, for violation of the provisions of the Essential Commodities Act, but then

the said vehicle was seized and the present petitioner is unable to earn his livelihood because of the seizure. In that view of the matter and in view of the decision of this Court dated 27th October, 2010 (cited supra), taking the similar lines, I make the following order:

ORDER:

- 1) Criminal Writ Petition No. 927/2015 is allowed.
- 2) The impugned order dated 10.11.2015 passed by the learned Collector in Case No. E.C. Act, 1955/Malkapur/716/2015 is hereby modified, that instead of the applicant depositing cost of the vehicle, being registration No. MH 28 / B-7006 he is permitted to furnish solvent surety to the satisfaction of the Collector, Buldana. It is further directed that upon furnishing such solvent surety, the vehicle No. MH 28/ B-7006 shall be released within two days from the date of furnishing the solvent surety.

Rule made absolute accordingly.

Steno copy allowed.

JUDGE

sahare