

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1425 OF 2005

Sonabai w/o Raippa More,
age 35 yrs, Occ. Agriculturist,
R/o Umbargaon,
Tq. Shrirampur, Dist. Ahmednagar. Petitioner/
Orig applicant.

VERSUS

1. The State of Maharashtra.
2. The Investigating Officer,
Newasa Police Station,
In Crime No.187/2003.
Dist Ahmednagar. Respondents.

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APP for Respondents: Miss R P Gour

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CORAM : V.K. JADHAV, J.

Dated: August 31, 2016

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ORAL JUDGMENT :-

1. None present for the applicant.
2. The learned APP submits that, the applicant claims to be the registered owner of Tata Sumo Jeep bearing registration No.MH-20/T-7716 and there is a taxi permit for the said vehicle. According to the petitioner, she used to give said vehicle on hire. On the basis of certain secret information, PSI of Newasa Police

Station, seized the said vehicle under the provisions of Forest Act on the ground that vehicle was being used for transportation of the Sandal Wood. On the basis of the complaint lodged by the P.S.I. Newasa Police Station, Crime no.187/2003 came to be registered at Police Station, Newasa for the offences punishable under section 379 of the Indian Penal code and u/s 3 and 4 of the Prevention of Falling of Trees and also under section 34 (1) (a), 14, 42 of Indian Forest Act.

3. Petitioner on 8.1.2004 filed an application for grant of interim custody of the said vehicle, however, the learned Magistrate has rejected the said application with the observations that the Magistrate has no jurisdiction to return the vehicle. Being aggrieved by the same, the applicant has preferred Criminal Revision Application No.20/2004 before the Sessions Court, Shrirampur and the learned Additional Sessions Judge, Shrirampur, by its impugned order dated 24.8.2004, dismissed the said revision. Being aggrieved by the same, the petitioner has preferred this application and

while issuing Rule, this Court by order dated 29.7.2005 by way of interim relief, directed that vehicle in question Tata Sumo Jeep bearing registration No.MH-20/T-7716 be returned to the applicant on conditions as detailed in the order.

4. The learned APP submits that, in the said Crime No.187 of 2003 after due investigation, Police Station Newasa submitted charge sheet before the Judicial Magistrate First Class, Newasa and the learned Magistrate, Newasa by its Judgment and Order dated 3.4.2014 acquitted the accused in the said case, however, seized Sandalwood of 140 Kilograms is directed to be given to the Forest Department and also directed that seized vehicle Tempo bearing registration No.MH-20/T-7716 be returned to the original owner. The learned APP has submitted copy of the Judgment and order passed by the Magistrate and said Criminal Case 42/2014. The same is taken on record.

5. In view of this, nothing survives in this criminal application. Application is accordingly disposed of. Rule is made absolute in above terms.

(V.K. JADHAV, J.)

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aaa/-