

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.453 OF 2016**Eknath S/o Shrirang Dandage Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.G.Jadhavar, advocate for the Petitioner.
Mr.A.V.Deshmukh, A.P.P.for the State.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**
Date : 06.05.2016.

PER COURT :

1. Heard.
2. Learned counsel submits that the vehicle of the petitioner is seized by the Respondent Talathi, on the ground that the same is involved in commission of offence. According to the learned counsel, the same is erroneous. It is at the behest of the concerned Police Officer, the petitioner was required to transport the sand from Panavdod road to Ajintha Police Station and in the midst, the Talathi intercepted the vehicle and has detained the vehicle. The Respondent Nos.2 and 3 are not releasing the vehicle. The petitioner had approached the Judicial Magistrate First Class. The said application was not entertained on the ground of jurisdiction.

Thereafter had filed a Criminal Writ Petition. However, he was asked to circulate the matter before the Division Bench (Civil). The learned counsel submits that it is only upon the say of the Police, the petitioner was required to transport the said sand. It is not the fault of the petitioner nor the petitioner is involved in any crime. Learned A.G.P. submits that the FIR is lodged in the evening. The movement of the vehicle was suspicious. Illegal activities were committed within the jurisdiction of the Talathi Panavdod and the Talathi was bound to take legal action. Even the petitioner had not paid any royalty.

3. We have considered the submissions.

4. The vehicle of the petitioner is seized and confiscated on 19.1.2016 and since then in the custody of the Respondent No.2.

5. The Police Officer i.e. Assistant Inspector of Police, Police Station Ajintha issued a letter to the Tahsildar saying that the FIR is lodged against the unknown vehicle and the muddemal i.e. sand was directed to be taken in the tractor to be deposited at Police Station Ajintha and the same was being transported, Talathi Panavdod has confiscated the said vehicle.

6. The said facts as narrated above is required to be considered at the prima facie stage.

7. Considering the above, the Respondent No.2 shall release the tractor bearing RTO registration No.MH-20 AS 6383 with

trolley to the petitioner on submitting Supurdnama and the bond of Rs.38,500/- (Rupees thirty eight thousand five hundred) with further undertaking that as and when required, by the Court, the same shall be produced.

8. The Writ Petition is accordingly disposed of. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.05.2016.

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