

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 405 OF 2006

Chandrashekar Sing s/o Rampratap Sing

Age : 29 years, Occu : Business,

R/o. Near Bus Stand, Ward No.6,

Gadchandur, District : Chandrapur.

Petitioner

VERSUS

1. The State of Maharashtra,

2. Anilkkumar s/o. Ramnagina Jaiswal,

Age : 28 years, Occu : Business,

R/o. M.E.L. Ward No.10,

Sanjay Nagar, Chandrapur.

3. Avinash s/o Ramnagina Jaiswal,

Age : 28 years, Occu : Business,

R/o. M.E.L. Ward No.10.

Sanjay Nagar, Chandrapur.

4. Shriram Transport Finance,

Company Limited, through its

Senior Manager,

Mr. Pravin s/o Prabhakar Rao Motiwale,

Age : 35 yrs, Occu : Service,

Senior Manager,

R/o 14, 3rd Floor, Pushpakunj Complex,

Ramdaspath, Nagpur.

Respondents

Mr. Ruchir Wani, Advocate h/f Mr. A.S. Bajaj, Advocate for the
Petitioner.

Mr. N.T. Bhagat, APP for Respondent No.1/State.

Mr. R.R. Sancheti, Advocate h/f Mr. R.R. Mantri, Advocate for
Respondent Nos. 2 & 3.

None for Respondent No.4.

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(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/06/2016

ORAL JUDGMENT :

1. I have heard the strenuous submissions of Mr. Bajaj, learned Advocate for the petitioner who has criticized the impugned judgment of the learned Magistrate dated 22.03.2006 and the judgment of the learned 2nd Additional Sessions Judge, Aurangabad dated 16.05.2006. Mr. Bajaj submits that both the orders are perverse, erroneous and unsustainable. The Magistrate could not have handed over the possession of the truck bearing No. MH-34-M-2411 to the respondent Mr. Anilkumar Ramnagina Jaiswal and Mr. Avinash Ramnagina Jaiswal. He further submits that the “*suprutnama*” bond of Rs. 11,00,000/- (Rs. eleven lac) is a meagre amount and hence the impugned orders deserve to be quashed and set aside.

2. I have considered the submissions of Mr Mantri, learned Advocate appearing on behalf of respondent Nos. 2 and 3. None appeared for respondent No. 4. Both the learned Advocates on the

basis of the Rozanama (daily status) from the District Court Website pertaining to the pending cases, submit that the said case is still pending.

3. This Court, while issuing notice to the respondents on 13.07.2006, directed that the status-quo as on the date of the order of this Court, be maintained. Mr. Mantri categorically submits that the concerned truck is in the possession of respondent Nos. 2 and 3.

4. It is confirmed by the learned Advocates representing the respective sides that Regular Criminal Case No.308 of 2006 is pending before the learned Magistrate at Aurangabad.

5. The order of status-quo passed by this Court is in force for practically 10 years. Proceedings before the learned Magistrate are pending from the year 2006 towards. Ends of justice, in my view, would be met, if the order of this Court is continued for a period up to 23.12.2016 with a direction to the learned Magistrate to decide the pending cases in between the petitioner and the respondents with

regard to the truck mentioned above within the said time span.

6. As such, this petition is disposed of with a direction to the learned Magistrate to decide the Regular Criminal Case No. 308 of 2006, as expeditiously as possible, and preferably on or before 23.12.2016. Needless to state, all the litigating sides shall extend co-operation to the learned Magistrate and shall refrain from seeking adjournments on frivolous grounds.

7. Rule is discharged.

(RAVINDRA V. GHUGE, J.)