

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1131 OF 2015

SURESH BABULAL CHAUDHARI

PETITIONER

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT

Mr.N.N.Desale, Advocate for the petitioner.

Mr.N.T.Bhagat, APP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/06/2016

PER COURT :

1. The petitioner is aggrieved by the order dated 10/02/2015 passed by the learned Magistrate in Cri.M.A.25/2015 and the judgment of the learned Sessions Judge dated 01/07/2015 in Cri.Rev.Appl.No.31/2015 by which the petitioner is refused the liberty to take the custody of the tractor and the trolley.

2. Mr.Desale, learned Advocate for the petitioner strenuously submits that the petitioner is willing to tender an affidavit/*supurtnama* under any conditions that may be imposed upon the petitioner by this Court for seeking the possession of the tractor and trolley He further submits that a specific affidavit would be filed as well as an amount would be deposited as this Court may direct

alongwith an undertaking that if the said tractor and trolley is used in any offence, the same shall be seized and the amount deposited shall be forfeited.

3. It is not in dispute that the said tractor and trolley was used by the petitioner for the purpose of illegal excavation of the sand. It is also a matter of record that after the first offence was registered in Crime No.117/2012, it was returned to the petitioner under certain conditions. The said conditions were violated and the said tractor and trolley was once again seized in Crime No.107/2013. Once again it was released on conditions, only to be used in another offence Crime No.149/2014 which is at issue.

4. Despite the strenuous submissions of Mr.Desale and a solemn statement being made on behalf of the petitioner that the said tractor and trolley will not be used in any offence in future, I am unable to be convinced on account of the record that reveals that the said tractor and trolley was used in 3 offences. I am also not convinced by the submissions of Mr.Desale that due to village politics, the petitioner and his tractor and trolley have been implicated in false offences.

5. Considering the above, I do not find that the order of the

learned Magistrate and the judgment of the learned Sessions Judge impugned in this petition could be termed as being perverse or erroneous.

6. This petition, being devoid of any merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)