

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

CRIMINAL WRIT PETITION NO. 1626 OF 2016

Nivrutti s/o. Babarao Todgile .. Petitioner

Versus

Rajendra Ganpatrao Hande & Ors. .. Respondents

Mr.Anand V. Indrale Patil, Advocate for the petitioner.
Mr.G.O. Wattamwar, A.P.P. for the respondent/State.

CORAM : Z.A. HAQ, J.

DATED : 15.12.2016

P.C. :-

. Heard. The petitioner has challenged the order passed by the Sessions Court by which the application filed by the petitioner praying for interim order during the pendency of the appeal pending before the Sessions Court is rejected.

02. The contention of the petitioner is that the husband of respondent No.2 had sold the vehicle in question to the petitioner which is clear from the document dated 21st April, 2007, however, the name of the petitioner was not recorded as the owner of the vehicle with the Regional Transport Office and taking advantage of it, respondent No.1 (husband of respondent No.2) transferred the vehicle in the name of respondent No.2

and respondent No.2 made claim regarding custody of the vehicle. It is submitted that in view of the earlier orders passed by this Court the petitioner is in custody of the vehicle throughout. It is prayed that the impugned order be set aside and the interim order granted by the Sessions Court on 13th October, 2015 be continued till disposal of the appeal pending before the Sessions Court.

03. The facts on record show that the respondent No.2 is the registered owner of the vehicle. The order in Criminal Writ Petition No.318 of 2014 was passed by this Court during the pendency of the prosecution before the learned Magistrate. Now the situation has changed and the respondent Nos.1 & 2, who were accused in those proceedings, are acquitted. The order passed by the Division Bench of this Court in Criminal Writ Petition No.493 of 2016 on 11th August, 2016 does not support the claim of the petition as the Division Bench recorded that whatever is stated in the order shall not be taken as statement of the Court on merits of that appeal.

04. The learned Additional Sessions Judge has rejected the application filed by the petitioner praying for interim order relying on the undisputed fact that the respondent No.2 is registered owner of the vehicle. I do not find any illegality or perversity in the impugned

order as the petitioner cannot be permitted to ply the vehicle, which stands in the name of respondent No.2. I am not inclined to interfere with the interlocutory order. The writ petition is dismissed, however, considering the controversy and the facts of the case, it is directed that the appeal filed by the petitioner pending before the Sessions Court be disposed within three months.

[Z.A. HAQ, J.]