

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.32 OF 2016

Parag s/o Babanrao Ainchwar

..vs..

State of Maharashtra, through its Secretary, the Department of Revenue and Forest,
Mantralaya, Mumbai and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.K. Bhandarkar, counsel for the petitioner.
Shri V.A. Thakare, Additional Public Proceeding for respondent Nos.1,2,
& 4.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**

DATED : SEPTEMBER 22, 2016.

Heard learned counsel Shri S.K. Bhandarkar
for the petitioner and learned Additional Public
Prosecutor Shri V.A. Thakare for respondent Nos.1, 2,
and 4/State.

During hearing we find that truck of the
petitioner found allegedly carrying overload of black
metal, is already released to him. Learned counsel Shri
S.K. Bhandarkar for the petitioner, however, presses
relief for grant of compensation for illegal detention of
that truck. He submits that though supurdnama was
duly executed and furnished, truck was not released.

Learned Additional Public Prosecutor Shri
V.A. Thakare for respondent Nos.1, 2, and 4/State

disputes this. He also adds that as disputed questions of facts arise, compensation can be quantified appropriately before the appropriate civil court.

We find substance in the contention of learned counsel Shri S.K. Bhandarkar for the petitioner that this Court can always award compensation for truck released. However, as, here, some disputed questions of facts do arise and computation of compensation also calls for adjudication on certain facts, we are not inclined to undertake that exercise in the present matter.

We grant the petitioner leave to file appropriate civil proceedings for recovery of such damages. If such proceedings are filed, the concerned Court shall attempt to decide it expeditiously.

With these directions, liberty, and keeping all rival contentions open, we dispose of the criminal writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 23/09/2016

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