

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1526 OF 2012

Dinesh s/o. Kanya Pawra,
Age 45 years, Occu. Business,
R/o. Malkatar, Tal. Shirpur,
Dist. Dhule.

....Applicant.

Versus

1. The State of Maharashtra
Through Shirpur Police Station,
Dist. Dhule.
2. Hiralal s/o. Shankardas Bairagi,
Age 48 years, Occu. Head Constable,
R/o. Local Crime Branch, Dhule,
Dist. Dhule.

....Respondents.

Mr. R.J. Nirmal h/f. Mr. Shashibhushan P. Deshmukh, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : 07/08/2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 66/12 registered with Shirpur Police Station, Dhule for offences punishable under section 328 of Indian Penal Code, section 65(E) and 83(A) of Bombay Prohibition Act and section 41 (2) and 177 of the Motor Vehicle Act. Both the sides are heard.

2) The crime is registered on the basis of report given by Police Officer of Local Crime Branch, Dhule. On 23.2.2012 police had specific information that two persons by name Paramjit alias Tillu Shet and his partner Kishor Rajput were carrying illicit liquor and on that day, they were brining liquor from the side of Tahsil Shirpur, District Dhule. Police collected the panch witnesses and went to Boradi. They went ahead and they dispersed on the road between Boradi and Sangvi in the night time and they started waiting for the vehicle about which the information was given. At about 6.30 a.m. they noticed that the vehicle bearing No. MH-18/AA-1246 was coming from the side of Boradi. The vehicle was intercepted. When the vehicle was stopped, one motorcycle which was ahead of the transport vehicle and which was not bearing registration number came back and the person on motorcycle started inquiry as to why the vehicle was intercepted. When the search of the transport vehicle was taken, police noticed that there were boxes of illicit liquor showing false trademarks of some brands. The illicit liquor worth more than Rs.5.7 lakh was recovered and it was seized. Samples were separated. The present applicant was the owner of the vehicle and so, the report was given against him also on the basis of papers which were found in the vehicle.

3) The learned counsel for applicant submitted that the applicant had given vehicle on hire basis and it cannot be said that he had knowledge about commission of such offence. This submission cannot be accepted at this stage. When a transport vehicle is given or used for transporting goods, it is the duty of owner to take care and to see that only the property or goods which can be carried in the vehicle without obtaining special permission of R.T.O. under Motor Vehicle Act are transported in the vehicle. It was a liquor and investigation revealed that it was illicit liquor. The person who was on driver seat was employed by the present applicant. In view of these circumstances, it cannot be said that present applicant had no knowledge that in his vehicle illicit liquor was being transported. There was virtually no record like bills with the driver in respect of goods. In view of these circumstances, this Court holds that no relief can be granted in favour of the present applicant. In the result, the application stands dismissed. Interim relief is vacated. Rule is discharged.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/