

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITIOIN NO. 226 OF 2004

The State of Maharashtra

..Petitioners

Vs

Smt. Anjali Nandkishor Baldava

.Respondent

Mr. S.S. Hulke, APP for Petitioner/State.

Mr. D.S. Pagare I/b Rajesh S. Datane for respondent.

CORAM : A.S.GADKARI, J.

DATE : 12th September 2018.

P.C.:

1] By the present petition under Article 227 of the Constitution of India, the State has challenged the Judgment and Order dated 25.8.2003 passed by the learned Sessions Judge, Karad, District-Satara in Criminal Revision Application No.44 of 2003 thereby giving custody of the vehicle (Truck) in the possession of the respondent on her furnishing Indemnity Bond and by imposing other conditions.

2] Heard the learned APP for petitioner/State and the learned counsel for the respondent. Perused the record.

3] The respondent is the owner of the a Truck bearing No.MH-13-G/6690 which is involved in C.R. No.3008 of 2002 at Koyananagar Police

Station under the provisions of Wildlife (Protection) Act, 1972. It is alleged that, some passengers were carrying skin of Panther from the said Truck which was being driven by the driver and cleaner of the respondent. The said truck was searched by the Competent Authority, when the said skin of panther was found. It is the case of the respondent that, on the way to Patan, co-accused forcibly halted the said Truck and threatened the driver and the cleaner to drive the truck at a particular place. It is to be noted here that, the respondent is not accused in the said crime and it is in the circumstances mentioned hereinabove, the said truck was seized by the Investigating Agency.

4] After perusing the entire record, this Court is of the considered view that the learned Sessions Judge, Karad, District-Satara while passing the Judgment and Order dated 25.8.2003 has not committed any error thereby granting the custody of the said Truck to the respondent during the pendency of the Trial.

5] Petition being devoid of any merits, is accordingly dismissed.

(A.S.GADKARI, J.)