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

WRIT PETITIOIN NO.1088 OF 2004

The State of Maharashtra

..Petitioner

Vs

Jaywant Kathod Patil

Mohammad Husein Abdul

..Respondents

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

CORAM : A.S.GADKARI, J.

DATE : 12th September 2018.

P.C.:

1] By the present petition, the State has challenged Judgment and Order dated 19.5.2004 passed below Exhibit-8 in Revision Application No.18 of 2004 by the learned 1st Ad-Hoc Additional Sessions Judge, Palghar thereby allowing the Revision. While allowing the Revision, the applicant has been directed to return the seized machine in Crime No.33/M/2003-2004 and to hand over the custody of its registered owner by removing the seal of crusher machine attached by the Forest Officer, on executing bond of Rs.6.00 lakhs with condition to produce the same at the time of trial.

2] Heard the learned APP for Petitioner State at length. Perused the record.

3] The record indicates that, the Forest Officer had seized the said machine in the said crime, as it was noticed by him that the same was being used illegally within the jurisdiction of the concerned Forest Officer. Being the owner of the said machine, the respondent No.1 preferred an application for de-sealing the said machinery which was rejected by the Forest Officer. The learned Additional Sessions Judge, Palghar, after taking into consideration various attending circumstances, directed de-sealing of the crusher machine.

4] After perusing the record and the impugned Judgment and Order, this Court is of the considered view that, there is no error committed by the Revisional Court while passing the impugned Judgment and Order dated 19.5.2004, either in law or on facts.

Petition being devoid of any merits, is accordingly dismissed.

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Chandrakant
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(A.S.GADKARI, J.)