

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

Criminal Writ Petition No.4 of 2013
(Gautam s/o. Raghuji Tembhurne .vs. State and Ors.)

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

Court's or Judge's Orders

Mr.J.Y.Ghurde, A.P.P. for the Respondents.

CORAM : R. K. DESHPANDE &
M. G. GIRATKAR, JJ.

DATE : 26.4.2018.

By this petition, the petitioner claims the reliefs
as under :

- 1) direct the respondent no.2, the Tahsildar, Tahsil Office, Bhandara, District Bhandara to release the vehicle truck registration No.MH-31 CQ 5457 of the petitioner with loaded goods and transit pass and permit (Royalty).
- 2) direct the respondent no.2, the Tahsildar, Tahsil Office, Bhandara and respondent no.3, the Deputy R.T.O., Bhandara to pay damages of Rs.10,000/- per day to the petitioner till the release of the vehicle truck registration No.MH-31 CQ 5457 of the petitioner, to the petitioner.
- 3) direct the respondent no.3 the Deputy R.T.O.,

Bhandara to cancel the Checking Report No.0090464, dated 30/11/2012.

- 4) pass any other order as deemed fit and proper in the facts and circumstances of the case and in the interest of justice.

On 21.2.2013, this Court passed an order as under :

“ Heard Mr.T.H.Bewali, learned Counsel for petitioner and Mr.N.W.Sambre, learned Public Prosecutor for State/respondents.

Mr.Sambre upon instructions states that the respondents are willing to hand over the possession of truck No.MH 31 CQ 5457 to the petitioner during office hours on any day.

The petitioner to take possession of the said truck without payment of any penalty at 5 p.m. tomorrow i.e. 22.02.2013.

Insofar as reliefs 2 and 3 are concerned, we issue rule.

Mr.Sambre, learned Public Prosecutor, waives notice on behalf of State/respondents. ”

The petitioner has thereafter not made any complaint that the truck was not released after 21.2.2013. We, therefore, presume that the truck must have been

released.

Certain offences were registered against the petitioner and probably the petitioner is also prosecuted before the Judicial Magistrate, First Class, Bhandara vide Criminal Case No.1459 of 2012.

In such a situation, we do not find any reason to entertain the claim made in terms of prayer clauses (2) and (3) in this petition. It will be open for the petitioner to claim such reliefs after conclusion of the trial. The Writ Petition is dismissed. No order as to costs.

JUDGE

JUDGE

**jaiswal*