

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

WRIT PETITION NO.3936/2018

Dilip Nathuji Pise

..Vs..

The State of Maharashtra and another

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

Court's or Judge's orders

Shri R.M. Wasnik, Advocate for petitioner.

CORAM : B.P. DHARMADHIKARI AND Z.A.HAQ, JJ.

DATED : 27.7.2018.

1. Shri N.R. Patil, learned A.G.P. was seeking time to place on record reply affidavit. Request was opposed by learned counsel for petitioner. Hence, we heard the matter. The contention of petitioner is alleged spot-panchanama does not carry signatures of any witnesses and though it mentions one or two labour, their names or thumb impressions are also not obtained.

2. Learned A.G.P. has pointed out to us that this vehicle was earlier caught in similar operation on 29.7.2017 and at that time, it was released on bond of Rs.5,00,000/- (Rs. Five Lakhs).

3. The communication dated 13.4.2018 sent by Tahsildar to petitioner shows that on 29.7.2017 petitioner was found carrying one brace *murum* (minor minerals) and hence, after petitioner executed bond of Rs.5,00,000/- (Rs. Five Lakhs) vehicle was released. Thereafter again in breach of bond conditions on 4th

January, 2018 it was found with one brace of sand excavated illegally. Tahsildar, therefore, has asked petitioner to discharge bond by depositing amount of Rs.5,00,000/- (Rs. Five Lakhs). Petitioner has not deposited that amount and chosen to approach this Court on 26.6.2018.

4. When petitioner realized that Court is not with him, he sought leave to withdraw writ petition.

5. We find that petitioner has not approached this Court with clean hands.

6. Taking overall view of the matter, we are not inclined to interfere in writ jurisdiction. Writ petition is, therefore, **dismissed**. No costs.

JUDGE

JUDGE