

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

CRIMINAL WRIT PETITION NO.1053/2018

Abdul Wahid Abdul Kayyum

..Vs..

State of Maharashtra, through Police Station Officer, Umred, Tah. Umred,
Distt. Nagpur

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

Court's or Judge's orders

Ms. Sukshmalata S. Dhone, Advocate for the petitioner.
Shri H.D. Dubey, A.P.P. for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 26.10.2018.

Shri H.D. Dubey, learned A.P.P. has pointed out that the petitioner can approach the Sessions Court under Section 397 of the Code of Criminal Procedure. Learned Advocate for the petitioner has submitted that the remedy under Section 397 of the Code of Criminal Procedure cannot be said to be an efficacious remedy and much time will be consumed and the petitioner will not get the vehicle for which he is litigating since considerable time. The learned Advocate relied on the following judgments to support her submission that the writ petition should be entertained.

*(i) The judgment given in the case of Dinesh
S/o Deepakkumar Bhaktani V/s. Collector,*

*Nagpur District Collector Office & Anr.
reported in 2016 ALL MR (Cri) 4177,*

*(ii) Judgment given in the case of Syed Kadir
Syed Isaq V/s. The State of Maharashtra and
Anr. reported in 2014 ALL MR (Cri) 1704,*

*(iii) Judgment given in Criminal Writ Petition
No.999/2014 (Shri Vikas S/o Shri Bhaurao
Meshram V/s. Collector, Nagpur District and
another)*

*(iv) Judgment given in Criminal Writ Petition
No.502/2009 (Dinesh Janardhan Rangari V/s.
The Additional Collector (Essential
Commodities), Collectorate, Nagpur and
another)*

As the petitioner has statutory remedy under Section 397 of the Code of Criminal Procedure before the Sessions Court, I am not inclined to entertain this petition. The petition is **disposed** as withdrawn with liberty to the petitioner to approach the Sessions Court under Section 397 of the Code of Criminal Procedure.

JUDGE