

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

149 WRIT PETITION NO.8324 OF 2019

**PRAMOD SHIVAJIRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Gore Ravindra Vitthal
AGP for Respondent Nos. 1 to 6 : Mr. K.B. Jadhavar
...

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 29/07/2019

PER COURT :

1. It is submitted that under the Panchanama exhibited by the Circle Officer, the vehicle has been seized. The police has also seized the vehicle. The petitioner had approached the learned J.M.F.C. Parbhani, where the order of release is passed.
2. We had asked the learned counsel for the petitioner and the learned A.G.P. as to whether it was the first occasion. It is said that it was the first occasion, the vehicle is involved.
3. It has been observed by this Court that seizer of the vehicle by an officer below the rank of Tahsildar is without jurisdiction.
4. We make it clear that we are entertaining this petition only

to the extent of seizure of the vehicle. As far as the penalty is concerned, the petitioner may avail the remedy of appeal.

5. Considering the above, we pass the following orders:-

ORDER

- i. The respondent shall release the vehicle, seized under Panchanam dated 02.02.2019 (page.10) and after verifying the documents and confirming the ownership of the petitioner and the respondent can also get the bond executed to its satisfaction.
- ii. The release of the vehicle would also be subject to the terms and conditions imposed under order dated 05.04.2019 in Crime No.23/2019 dated 05.04.2019.
- iii. The separate fine for vehicle is also awarded. The petitioner may assails the same, however, shall also deposit Rs.50,000/- without prejudice to the rights and contentions of the parties and the same would be subject to the further process that would be undertaken by the petitioner.

6. Writ Petition is disposed of.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)