

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

CRIMINAL WRIT PETITION NO.637 OF 2019

Kartarsingh Bhawanishankar Choudhary ..Petitioner
V/s.
The State of Maharashtra & Ors. ..Respondents

Mr.B.A. Lawate for the Petitioner.

Mr.F.R. Shhaikh, APP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 26th MARCH 2019

P.C.

1. Rule.

2. The learned AGP waives service for the respondents.
Petition is taken up forthwith for final disposal as the issue is covered by several orders passed by this Court.

3. The Trailer belonging to the petitioner came to be seized on 20.12.2018 by the respondent No.3, along with the original documents under Section 207 of the Motor Vehicle Act, 1988 on the ground that the vehicle which is a National Permit is

more than 8 years old. The contention of the petitioner is that the said vehicle is registered at State Transport Department, Kishanganj, D.T.O., Rajasthan, the said authority has issued fitness certificate in respect of the said vehicle which is valid till 20.07.2019 and he has also paid the Annual Road Tax of the said vehicle. The petitioner assails the said order of seizer of his vehicle and prays that the vehicle be released.

4. The petitioner is claiming to be the owner of the vehicle, subject matter of this petition. The vehicle was admittedly plied in the city of Mumbai in breach of the directions issued under Order dated 03rd March 2004. Reliance is placed on several orders passed by this Court in similar cases, wherein subject to undertaking given by the owner, not to ply the vehicles in the City of Mumbai and subject to deposit of certain amounts, the vehicle was ordered to be released.

5. Accordingly, in the present petition, the learned counsel appearing for the petitioner states that the petitioner has already given an undertaking that the subject vehicle will not enter in the jurisdiction of RTO Mumbai-Respondent No.3 and entire Mumbai District. We accept the undertaking. In light of this undertaking,

we dispose of this petition by passing following order :-

ORDER

(a) The subject vehicle, namely, the Ashok Leyland Multi Axle (Trailer) bearing Registration No.RJ-01 GA 6216 be released along with the Original documents, subject to the petitioner's depositing a sum of Rs.10,000/- (Rupees Ten Thousand) with the concerned Regional Transport Officer;

(b) The petitioner would abide by the undertaking submitted to this Court in form of an affidavit on 01.02.2018.

(c) Only upon deposit of the sum of Rs.10,000/- (Rupees Ten Thousand) to the concerned Regional Transport Office the subject vehicle shall be released on production of an authenticated copy of this order.

(d) Rule is made absolute in above terms.

(e) All concerned to act on the copy of this order duly authenticated by the Personal Assistant of this Court.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)