

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

CRIMINAL WRIT PETITION NO.200 OF 2019

(Ishwar Vasant Rao Chaudhary vs. The Sub-Divisional Officer, Brahmapuri and others)

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

Shri A.A. Dhawas, Advocate for petitioner.

Shri M.K. Pathan, Additional Public Prosecutor for
respondent nos.1 to 3.

CORAM : P.N. DESHMUKH AND
 PUSHPA V. GANEDIWALA, JJ.

DATED : JULY 5, 2019

Heard Shri Dhawas, learned Counsel for
petitioner, and Shri Pathan, learned Additional Public
Prosecutor for respondent nos.1 to 3.

In view of contents of the impugned order, it
is crystal clear that fine of Rs.42,000/- came to be
imposed on petitioner while his vehicle was seized
observing the same to be used for transport of sand. It is
the specific case of petitioner that he was not heard
when the impugned order came to be passed, which
submission is found substantiated from the impugned
order. However, we also find that notice was refused to
be accepted by the petitioner and, therefore, it is
observed that in spite of opportunity given to petitioner,
he preferred to remain absent and accordingly,
impugned order came to be passed.

Shri Dhawas, learned Counsel for petitioner,
on instructions, submits that petitioner is willing to

appear before respondent no.2 on 9/7/2019, if such order is passed.

In view of statement as made, we pass the following order :

The petition is disposed of with liberty in favour of petitioner to appear before respondent no.2 on 9/7/2019 and respondent no.2 shall give opportunity to petitioner to put up his case with supporting documents. We expect respondent no.2 to decide the case of the petitioner expeditiously, preferably within two weeks from the date of appearance of petitioner.

The petitioner is granted liberty to file fresh proceedings for seeking relief of quashing of first information report.

In view of above, Criminal Application Nos.108/2019 and 109/2019 being redundant, are disposed of.

Learned Additional Public Prosecutor to communicate this order to respondent no.2 telephonically.

Copy of this order, duly authenticated by the Court Sheristedar, be provided to learned Counsel for the parties.

JUDGE

JUDGE

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