

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

80 WRIT PETITION NO.433 OF 2020

SUBHASH SHRIRANG GHUGE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Anup R. Nikam, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th FEBRUARY, 2020.

PER COURT:-

1. The vehicle in question now is subject matter of the criminal case (muddemal property). The J.M.F.C. rejected the application of the petitioner for release of vehicle and has handed over to the informant. The petitioner has remedy to file proceedings before the Sessions Court against the said order. The petitioner may avail the remedy as may be permissible under law.

2. As the vehicle now is a subject matter before the Court dealing with the criminal case of theft filed against the petitioner, it would not be possible to pass any order unless the court dealing with the criminal case exercises its jurisdiction and passes an order for release of vehicle. After the order is passed by the Competent Court in

criminal case filed against the petitioner for release of vehicle, thereafter we may exercise our jurisdiction under Section 48(7) and (8) of the Maharashtra Land Revenue Code.

3. With these observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/February-2020