

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3757 OF 2020

Shriram S/o Vitthal Bharti

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.P. Latange, Advocate for Petitioner

Mr K.N. Lokhande, A.G.P. for Respondent Nos. 1 to 5

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

DATE : 19th OCTOBER, 2020

PER COURT :

1. The petition is filed seeking release of the vehicle bearing R.T.O. Registration No. MH/26-V-9971.
2. Mr Latange, the learned Counsel submits that the Police authorities have detained the vehicle. No FIR has been lodged and the amount of penalty is imposed for which the petitioner is prosecuting independent remedy. The petitioner is harassed by the respondents.
3. The learned Assistant Government Pleader submits that the petitioner is habitual offender. The other vehicle of the petitioner bearing No. MH/34-AT-118 is also seized for illegal transportation of sand and criminal case is also filed against the petitioner.

4. We need not go into the disputed questions of fact. In the affidavit filed by the respondents, it is nowhere stated that FIR has been lodged in respect of vehicle bearing No. MH/26-V-9971. The Police authorities could not have seized the vehicle without registering criminal case. The amount of penalty is imposed. The petitioner may avail the independent remedy.

5. In the light of the above, we pass the following order.

6. The respondents shall release the vehicle i.e. Tractor bearing No. MH/26-V-9971 lying in custody of respondent No. 5. The respondents may take bond to their satisfaction from the petitioner. The respondents may verify the documents and confirm the ownership of the petitioner before release of the vehicle. The petitioner shall deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand). The said deposit would be without prejudice to rights and contentions of the petitioner and the respondents and subject to the decision in the appeal/revision that may be filed by the petitioner against the fine and penalty.

7. In case the petitioner does not file an appeal/revision within a period of one month from today, the respondents will be at liberty to recover the entire amount of fine.

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

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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