

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

69. CRIMINAL WRIT PETITION NO. 1407 OF 2016

Mazhar Khan S/o Sher Khan
age 29 years occupation business
R/o Plot No. 12, Galli No.4, Rahim Nagar,
near Ram Mandir, Aurangabad ...Petitioner

VERSUS

1. The Police Inspector,
Jinsi Police Station, Aurangabad
2. The State of Maharashtra ...Respondents

Mr. M.A. Latif, Advocate for petitioner
Mr. M.M. Nerlikar, Addl. Public Prosecutor for Respts. /State

CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.

DATE : 20th October, 2020

PER COURT:

Advocate Shri Latif is not present in the Court Hall. He is not present online also. Seen the order made by this Court on 13/10/2020. It appears that the auto-rickshaw and the scrap material loaded therein were seized by the police by using Section 122 of the Maharashtra Police Act. The learned Addl. Public Prosecutor submitted that the application was moved before the

Judicial Magistrate F.C., Aurangabad, and the the Judicial Magistrate F.C., on 03/03/2017 has granted custody of the auto-rickshaw to the registered owner and the the scrap material which was found in the auto-rickshaw is given in custody of the present applicant. When such property is found, the police have power to take action. It can be said that the present proceeding was misconceived as the petitioner had come to this Court for direction to release the auto-rickshaw in his favour. The proceeding is dismissed.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar