

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

WRIT PETITION NO. 15268 OF 2019

**SURENDRA BALIRAM MUNDHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Taur Mahesh S.
AGP for Respondents : Mr. S. G. Karlekar

...

**CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE: 06th JANUARY, 2020

PER COURT:

1. As far as imposition of fine and penalty is concerned the petitioner may file appeal as provided under the statute. We are restricting the present writ petition to the extent of release of the vehicle.

2. The vehicle has been seized under panchanama dated 14.09.2019 i.e. prior to the amendment. The J.M.F.C. has directed release of the vehicle subject to certain conditions.

3. Considering the above, we pass the following order.

4. The respondents shall release the JCB machine seized and referred to in the order dated 03.10.2019, upon confirming the ownership of the petitioner and genuineness of the documents. The respondents may get the bond executed to their satisfaction. The petitioner shall deposit an amount of Rs.2,50,000/- (Rs. Two Lacs Fifty Thousand only) with the respondents. The same shall be without prejudice to the rights and contentions of the parties and subject to the decision that would be taken in the appeal challenging the levy of fine and penalty.

5. In case the petitioner does not file appeal within thirty (30) days, then the respondents are entitled to proceed ahead with the recovery of the amount and so also can take steps for the possession of the vehicle.

6. Writ Petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

marathe