

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.805 OF 2019

DATTATRAYA HANMANT SUTAR ... APPLICANT.

VERSUS

THE STATE OF MAHARASHTRA ... RESPONDENTS.

Mr.Rohit Shevate i/b Mr.Jaydeep Mane, Advocate for the applicant.

Mr.S.V.Gavand, Additional Public Prosecutor for the State.

CORAM : A. M. BADAR, J.

DATE : 21ST FEBRUARY 2020.

P.C.:

1. By this application, the applicant is challenging order at Exhibit 25 passed by the learned appellate court in Criminal Appeal No.19 of 2018 thereby rejecting the said application.

2. It is seen from the impugned order that criminal case bearing No.5012 of 2017 ended in convicting the accused persons for offences under the Maharashtra Prohibition Act. While deciding that case the learned trial Magistrate had ordered for confiscation of the vehicle involved in the said offence in view of provision of Section 99 of the Maharashtra Prohibition Act.

3. Learned counsel for the applicant has argued that the applicant is the owner of the vehicle and the document of Insurance company shows that he had insured the vehicle involved in the case with Sriram General Insurance Company. Therefore, according to the learned counsel for the applicant, applicant being registered owner, is entitled for custody of the vehicle.

4. Perusal of the impugned order shows that the applicant had not prayed for stay of Judgment and Order

passed by the learned trial Magistrate, so far as it relates to disposal of property, on conclusion of trial. Therefore, the learned appellate court was pleased to reject the application at Exhibit 25. When the learned trial Magistrate had directed for confiscation of subject vehicle on conclusion of trial, without seeking stay to the Judgment and Order of the learned trial court, application at Exhibit 25 could not have been considered by the learned appellate court. Hence, the learned appellate court had rightly passed the impugned order.

4. Application, therefore, being devoid of merits, stands rejected.

(A. M. BADAR, J.)

