

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION NO. 97 OF 2020

Shri. Mohsin Beg Shabbir Beg

vs.

The Collector, Buldana

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. Abdul Subhan, counsel for the applicant.
Shri. A. M. Kadukar, APP for non-applicant State.

CORAM : MANISH PITALE J.

DATED : 08/09/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the parties.

3. By this Criminal Revision Application, the applicant is seeking limited relief. The revision application has been filed challenging judgment and order dated 11/03/2020 passed by the Court of Additional Sessions Judge, Buldana in an appeal filed by the applicant under Section 6(C) of the Essential Commodities Act, 1955. By an order dated 06/01/2020, the Collector Buldana had ceased the truck of the applicant and it was against the said order that the aforesaid appeal was filed before the Sessions Court for release of the truck. It was alleged that the applicant was transporting 514 bags in violation of the provision of the

said Act.

4. The appeal filed by the applicant was allowed in the following terms by the Sessions Court.

1) The appeal partly allowed.

2) The order passed by the Collector, Buldana on dated 06/01/2020 in a case No. EC Act 1955/Chikhli/10/2020 is modified as under :-

Instead of depositing the full market price of the vehicle MH-20/DE-5099, he is directed to furnish Bank guarantee of the present market valuation of said vehicle within one month from the date of this order to Tahasildar, Chikhli. Rest of the order towards sell and auction remains as it is, in case of failure of appellant to comply the order.

3) Inform the Collector, Buldana accordingly.

4) R & P be sent back to the concern office.

5. The learned counsel for the applicant submits that the Sessions Court erred in passing the impugned judgment and order to the extent that it directed the applicant to furnish bank guarantee of the market value of the vehicle i.e. truck within a month for release of the said vehicle. Reliance was placed by the learned counsel for the applicant on judgment and order dated 27/07/2010 passed by this Court in **Criminal Revision Application No.145/2010 (Rajat Agro Industries vs.**

State of Maharashtra and others) and order dated 17/12/2015 passed in **Criminal Writ Petition No.927/2015 (Sk. Anis s/o Sk. Ibrahim vs. State of Maharashtra and another)**, wherein this Court modified the order of the Court below by directing that instead of furnishing bank guarantee, the applicant/petitioner therein was permitted to furnish solvent surety to the satisfaction of the Collector as a condition for release of the vehicle. The learned APP fairly submitted that the contention raised by the applicant herein was covered by the aforesaid judgments and orders on which reliance was placed.

6. In view of the above, the present application is allowed.

7. The impugned judgment and order passed by the Sessions Court is modified to the extent that instead of a direction to the applicant to furnish bank guarantee of the market value of the vehicle, the applicant is permitted to furnish solvent surety to the satisfaction of the Collector, Buldana. Upon such solvent surety being furnished, the Collector, Buldana shall release vehicle of the applicant bearing Registration No. MH-20 DE 5099 within two days of furnishing of such solvent surety.

8. Application is allowed in above terms.

JUDGE