

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

WRIT PETITION NO. 2498 OF 2021

Lokesh Mukunda Mahajan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. B. S. Deshmukh, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.

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

DATED : 22nd February, 2021.

PER COURT:-

1. Mr. Deshmukh, learned counsel for the petitioner submits that the vehicle of the petitioner has been seized by the police without authority. No F.I.R. has been lodged. The learned counsel further submits that penalty of Rs. 2,39,212/- (Rupees Two Lakh Thirty Nine Thousand Two Hundred Twelve only) has been imposed upon the petitioner. The same is also illegal.

2. Mr. Karlekar, learned A.G.P. submits that he does not have instructions whether F.I.R. has been lodged.

3. The statement is made by Mr. Deshmukh, learned counsel for the petitioner on instructions that F.I.R. has not been lodged against the petitioner or his vehicle, nor upon his driver.

4. So far as the penalty is concerned, the petitioner may avail the remedy of appeal as may be permissible under law.

5. As the vehicle has been seized by the police without authority and no F.I.R. has been lodged, we pass the following order.

6. The respondents shall release the vehicle of the petitioner seized by the police bearing RTO registration No. MH-19/CY-3607 upon the respondents satisfying themselves about the ownership of the petitioner and verification of the documents. The petitioner shall deposit an amount of Rs. 1,00,000/- (Rupees One Lakh only) with the respondents prior to the release of the vehicle. The said deposit of amount shall be without prejudice to the rights and contentions of either of the parties and subject to the decision that would be taken by the appellate authority in an appeal that would be filed by the petitioner against the order of penalty. In case, the petitioner does not file an appeal against the order of penalty within a period of one (01) month, then the respondents are at liberty to recover the entire amount of penalty. The respondents may get the bond executed from the petitioner to their satisfaction

7. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.