

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

914 WRIT PETITION NO.5837 OF 2021

SHIVHARI PRAKASHRAO AWATE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND
OTHERS

..RESPONDENTS

...

Mr. S. S. Tope, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : 27th APRIL, 2021.

PER COURT:-

1. It is submitted that the vehicle now is in custody of the R.T.O.

2. The Deputy Regional Transport Office has communicated to the learned A.G.P. that said vehicle is in his possession. Paragraph 3 of the communication reads thus:

"Necessary alternate remedy is provided under Section 200 of the Motor Vehicle Act, 1988 to compound the offence by compounding fee specified under the notification. The office of the Dy. R.T.O. is ready to release the vehicle in case the owner of the vehicle is willing to compound the offence by approaching this office with all relevant documents of the vehicle. Such as fitness certificate, permit, copy of insurance, P.U.C. etc. In a identical writ petition number 7388 of 2020, this Hon'ble High Court has passed order on Dated.01.12.2020. The copy of the order Dated.01.12.2020 is annexed

herewith. In case, the owner of the vehicle is not willing to compound the offence under Section 200, he can approach to the Magistrate of the Jurisdiction in which the vehicle is seized for release of the vehicle. The owner of the vehicle is also liable to pay a certain pay of money under Section 86(5) of Motor Vehicle Act, 1988. In lieu of suspension of permit. The respondent no.4 will obey the order to be passed by this Hon'ble Court in the instant petition."

3. In view of that, the petitioner may approach to respondent no.4 and produce all the relevant documents before respondent no.4 within one week. Upon production of the documents by the petitioner, respondent no.4 shall verify the documents in respect of the vehicle of the petitioner within a period of one week from the date of production of the documents and shall pass necessary order for release of the vehicle or otherwise.

4. As far as amount of penalty is concerned, the petitioner has alternate remedy. The petitioner may avail the same.

5. Writ Petition is disposed of. No costs.

(M. G. SEWLIKAR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE