

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO 2728 OF 2021

Krushna @ Pappu s/o Madhukar Thombre ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

Mr Umesh Gite, Advocate holding for
Mr S.S. Gangakhedkar, Advocate for petitioner
Mr S.R. Yadav (Lonikar), AGP for Respondent Nos. 1 to 4

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

DATE : 25th FEBRUARY, 2021

PER COURT :

1. The contention of the learned counsel for the petitioner is that though the Judicial Magistrate First Class (JMFC), Bhokardan, Dist. Jalna has passed an order to release the vehicle, the respondent-authorities are not releasing the vehicle. The notice for penalty is also illegal.

2. The learned Assistant Government Pleader submits that the tractor and trolley in possession of the respondents is not bearing R.T.O. Registration number. The application filed by the petitioner for release of the vehicle after the order of the learned JMFC was without signature of the petitioner. He also did not accompany the order of the learned JMFC along with the application. As such, the application was disposed of.

3. According to the petitioner, the application filed by the petitioner is signed by the petitioner.

4. The petitioner has annexed the copy of the order of learned JMFC. He shall present the copy of the said order to the respondent-authority. The respondent-authority shall verify the ownership of the petitioner and also verify the genuineness of the documents produced by the petitioner. After being satisfied of the petitioner being the owner of the vehicle and also genuineness of the documents, the respondents shall release the vehicle to the petitioner as per the terms and conditions laid down by the JMFC in his order dated 2nd September, 2020. In addition, the petitioner shall also deposit an amount of Rs.50,000/- (Rupees Fifty Thousand) with the respondents. The said deposit is subject to the decision that would be taken in an appeal that may be filed by the petitioner against the order imposing the penalty. If the petitioner does not file an appeal within a period of one month against the order of penalty, the respondents are at liberty to recover the entire amount.

5. The writ petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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