

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

940 WRIT PETITION NO. 219 OF 2021

**GOPAL PRAKASH SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Kale Mahesh P.
AGP for Respondents/State: Mr. P. K. Lakhotiya

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

DATE: 08th JANUARY, 2021

PER COURT:

1. Mr. Kale, learned Counsel for the petitioner submits that the procedure prescribed U/Sec. 48 has been given a go-by by the authorities. The Panchanama has been prepared in slip shod manner. The penalty is imposed without issuing show cause notice. The vehicle is not produced before the Sub Divisional Officer within 48 hours, all such illegalities have been committed.

2. The learned A.G.P. appears for all respondents and submits that the petitioner has a remedy of appeal.

3. In view of that, we dispose of the writ petition with liberty to the petitioner to avail the remedy of appeal.

4. In case the petitioner files an appeal, the application of the petitioner for release of vehicle shall be decided within three (03) weeks from the filing of the same, on its own merits.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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