

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

WRIT PETITION NO. 11342 OF 2021

Vinayak Baburao Khandare .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Ravindra Nirmal, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 11TH OCTOBER, 2021.

FINAL ORDER :

. The vehicle of the petitioner has been seized. The first information report is also registered. The petitioner approached the Judicial Magistrate First Class, Partur for release of the vehicle. The J. M. F. C. Partur under order dated 14.12.2020 in Criminal M. A. No. 611 of 2020 directed release of vehicle on certain terms and conditions. Subsequently, order is passed by the Tahsildar imposing penalty of Rs. 1,00,000/- upon the petitioner.

2. The petitioner shall deposit an amount of Rs. 40,000/- with the respondent No. 2/Tahsildar without prejudice to the rights and contentions of the parties and subject to decision taken in the appeal that would be filed by the petitioner. The petitioner may file appeal within a period of one month from today. In case

the petitioner does not file appeal within one month from today, then the respondents shall recover entire amount from the petitioner. The J. M. F. C. Partur has to very following conditions :

- a. He shall apply to R.T.O for passing of above said Mahindra Tractor Arjun 555 DI and shall submit documents of R.T.O passing of above said Mahindra Tractor Arjun 555 DI to I.O., Ashti and in the court within One month from today.
- b. Applicant shall not sale, mortgage, alienate, or disposed of aforesaid Mahindra Tractor Arjun 555 DI, without order of this Court, till disposal of the case arising from Crime no. 197/2020 of Ashti Police Station, Ashti.
- c. Applicant shall also not change the color of body, panel of body or appearance of the Mahindra Tractor Arjun 555 DI without permission of this Court, till disposal of the case arising from crime no. 197/2020 of Ashti Police Station, Ashti For that, four photographs showing the vehicle from each side shall be taken and handed over to police for due panchnama prior to release.
- d. Applicant shall produce this Mahindra Tractor Arjun 555 DI before Court as or when ordered , till disposal of the case arising from crime no. 197/2020 of Ashti Police Station, Ashti.

3. The petitioner shall abide by the aforesaid conditions and shall in addition deposit Rs. 40,000/- (Rs. Forty thousands only) with the respondent No. 2/Tahsildar. The respondent authorities may also get bond executed from the petitioner as already directed by the J. M. F. C. under order dated 14.12.2020.

4. The authorities shall after the petitioner complies with all the directions issued by the J. M. F. C. under order dated 14.12.2020 and deposit of Rs. 40,000/- shall release the vehicle of the petitioner. It would of course, confirm the ownership of the petitioner and shall also verify the documents.

5. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 21