

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

19 WRIT PETITION NO.11740 OF 2021

APPASAHEB SUBHASH MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Satish A. Gaikwad.

AGP for Respondent/State: Mr. P. K. Lakhotiya.
...

CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 25th October, 2021.

PER COURT :

. The vehicle of the petitioner is seized. The learned counsel submits that the police authorities have seized the vehicle. The FIR is lodged. The petitioner approached the learned Judicial Magistrate First Class for release of the vehicle. The learned Judicial Magistrate First Class has passed order on 20th September, 2021 for release of the vehicle. Still the vehicle has not be released.

2 The learned AGP accepts notice for all the respondents and submits that the Tahsildar has imposed penalty of Rs.1,45,000/- upon the petitioner. The same be directed to be paid by the petitioner.

3 As far as the penalty is concerned, the petitioner has remedy of appeal.

4 The learned Judicial Magistrate First Class has already directed release of the vehicle. Considering the above conspectus of the matter, we pass the following order:

ORDER

- I. The petitioner shall deposit an amount of Rs.60,000/- (Rupees Sixty Thousand Only) with the respondent authority.
- II. The said deposit would be without prejudice to the rights and contentions of the parties and subject to the decision that may be taken in appeal to be filed by the petitioner.
- III. In case the petitioner does not file the appeal within one month, then the respondents are at liberty to recover the entire amount under penalty.
- IV. The respondents shall release the vehicle seized upon the terms and conditions as set out by the learned Judicial Magistrate First Class under the order dated 20th September, 2021 in Criminal Miscellaneous Application No.328 of 2021. In

addition, they shall verify the documents and confirm the ownership of the petitioner.

V. The respondents may take the bond to their satisfaction.

VI. The petitioner shall also deposit the amount of Rs.60,000/- (Rupees Sixty Thousand Only) without prejudice to the rights and contentions.

VII. With the aforesaid observations, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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