

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

CRIMINAL APPLICATION (APL) NO. 836 OF 2020

(M/s. Shree Gajanan Construction Company thr. its Partner Shri Vilas Sontakke vs. State of Maharashtra thr. Police Station, Shirpur, Tahsil – Wani, District – Yavatmal & 3 Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Madhur Deo, Advocate for the applicant.
Shri H.D. Dubey, APP for the respondent No.1.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 22, 2021.

Heard Shri Deo, learned counsel for the
applicant and Shri Dubey, learned APP for respondent
No. 1 – State.

2. The applicant is seeking relaxation of condition imposed in order dated 12.11.2020 in Criminal Application No. 304 of 2020, passed by the Court of Judicial Magistrate First Class, Court No. 3, Wani, under Section 457 of the Code of Criminal Procedure. In the said order, the learned Magistrate directed release of Tipper bearing No. MH-34-BG-1930, subject to obtaining No Objection Certificate from the Mines and Minerals Office, Yavatmal.

3. It is submitted that the fine amount which has been imposed by the learned Regional Transport Officer (RTO) has already been deposited. As the matter has been referred by the learned RTO to the District Mines Officer, Wani, the District Mines Officer without giving sufficient opportunity of hearing to the applicant, issued challan for an amount of Rs.2,32,600/-. It is further submitted that this order of learned District Mines Officer, Wani, is stayed by the Division Bench of this Court vide order dated 08.01.2021 in Writ Petition No. 159 of 2021.

4. Considering the aforesaid facts and the fact that the impugned Tipper is lying idle for around four months, the condition with regard to No Objection Certificate from Mines and Minerals Office, Yavatmal, is relaxed.

5. Criminal Application is disposed of accordingly.

JUDGE

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