

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

CRIMINAL WRIT PETITION NO.766 OF 2022

**GAJANAND MARUTHIRAO NAROTE
VERSUS
THE STATE OF MAHARASHTRA**

WITH

CRIMINAL WRIT PETITION NO.767 OF 2022

**MANOHAR RAMRAO DABADE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. V.C. Patil Ashtekar, Advocate for the Petitioners in both
Writ Petitions

Mr. P.G. Borade, APP for Respondent/State in both WPs.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 30 AUGUST, 2022

PER COURT:-

. In both the petitions, the orders of rejection of release of vehicle are turned down by the learned Additional Sessions Judge, Nanded. That orders have been challenged before this Court by way of two writ petitions.

2. Heard Mr. V.C. Patil Ashtekar, learned counsel for the petitioners in respective writ petitions and Mr. P.G. Borade, learned APP for the respondent/State as well.

3. Mr. Patil, learned counsel for the petitioners pointed out that the learned Additional Sessions Judge was pleased to turn down the applications for release of vehicle without calling the report from the concerned R.T.Os. It was the proper course available to the learned Additional Sessions Judge to call for the report from the concerned R.T.Os. in order to verify that who are the registered owner of the tractor and trolley involved in the Sessions Case. Without making that exercise, the learned Additional Sessions Judge was pleased to turn down the applications for release of the vehicle. It is improper and incorrect. He submitted that if the learned Additional Sessions Judge, Nanded is directed to decide the applications afresh by calling report from the concerned R.T.Os. in respect of the tractor and trolley involved in the Sessions Case. It may serve the purpose in the interest of justice.

4. Mr. Borade, learned APP for the respondent/State also submitted that the report of the R.T.Os. would throw light on the ownership of the vehicle and may be helpful to decide the fate of the applications.

5. Having regard to the submissions of both the sides, it would just and proper to quash and set aside the impugned orders below exhibit 5 and 82 passed in Sessions Case No. 140 of 2020 by the Additional Sessions Judge, Nanded with direction to decide the applications afresh by calling report from the concerned R.T.Os. in respect of tractor and trolley involved in the case and after giving an opportunity of being heard to both the sides.

ORDER

- (i) Both the writ petitions stand allowed.
- (ii) The impugned orders below exhibits 5 and 82 in Sessions Case No. 140 of 2020 by the Additional Sessions Judge, Nanded are hereby quashed and set aside.
- (iii) The Additional Sessions Judge, Nanded is directed to decide the applications vide exhibits 5 and 82 for release of vehicle/return of vehicle after calling the report from the concerned R.T.Os. in respect of tractor and trolley involved in the Sessions Case and decide those two applications on their own merits by giving an opportunity of being heard to both the sides.

(iv) Learned Additional Sessions Judge, Nanded is requested to decide both the applications, as expeditiously as possible, soon after getting the report from the concerned R.T.Os.

(v) Inform the concerned Court accordingly.

(vi) With the above directions, both the writ petitions are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane