

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

CRIMINAL WRIT PETITION NO.1540 OF 2021

Sanju s/o. Sominath Sarsande	..Petitioner
Vs.	
State of Maharashtra and anr.	..Respondents

Mr.H.P.Jadhav, Advocate for petitioner
Mr.S.P.Sonpavale, APP for respondent no.1
Mr.R.C.Bora, Advocate h/f. Ms.Shital Waghmare, Advocate for
respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 14, 2022**

ORDER :-

The challenge in this petition is to the order refusing to release the tractor in favour of the petitioner, registered owner. The trial Court refused to release the tractor, mainly on the ground that it was seized from the custody of respondent no.2. The tractor was said to have been involved in commission of theft of sand. Be that as it may.

2. It is not desirable to keep the tractor idle. The trial Court was justified in refusing release of the tractor to its registered owner, since it was seized from the custody of respondent no.2. Respondent no.2 is now present before this Court with an affidavit consenting to hand over custody of the tractor to the petitioner herein.

3. In view of the above, the Writ Petition is allowed in terms of prayer clause (B). The tractor be released in favour of the petitioner on the terms and conditions to be imposed by the Court of Judicial Magistrate, First Class, Ambad, Dist. Jalna.

[R.G. AVACHAT, J.]

KBP