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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3803 OF 2021

M/s. Betul Oil Limited	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Abhijeet Patil i/b Mr. J.G. Aradwad (Reddy) for the Petitioner.

Mrs. Veera Shinde, A.P.P for the Respondent-State.

Mr. Arun D. Phuge – Police Inspector, Solapur Taluka Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 21ST JANUARY, 2022
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.
2. By this petition, the petitioner has challenged the condition No.2 imposed by the learned Sessions Judge, Solapur vide order dated 14th July, 2021, whilst allowing the petitioner's application seeking interim custody of his vehicle i.e. one Mahindra XUV500 R W11 BS IV Car colour Lakeside (Dark Brown) bearing Registration No. MH-13/CT-4455.
3. Learned Counsel for the petitioner submits that the learned Judge, whilst granting interim custody of the vehicle, directed the petitioner

to execute a Supurtnama in the sum of Rs.20,00,000/- and to furnish one or more solvent sureties in the like amount. He submits that the said amount is exorbitant, considering the fact that the vehicle is of the year 2018. He further submits that even the direction to furnish bank guarantee/cash security of Rs. 3,00,000/- was unwarranted considering that nothing was found in the vehicle. Learned Counsel for the petitioner requested that the said amount being exorbitant, be either waived or reduced.

4. Learned APP opposes the application.

5. Perused the papers. The petitioner is the owner of the vehicle which was seized by the Police in connection with C.R.No.115 of 2021 registered with the Solapur Taluka Police Station for the alleged offences punishable under Sections 188, 201, 380, 454, 457 and 120B of the Indian Penal Code. According to the prosecution, three vehicles were used by the accused, one for carrying money and ornaments, one for clothes and one vehicle i.e. Mahindra XUV500 bearing registration No. MH-13 CT 4455, carrying no items. All the three vehicles were seized by the Income Tax department under the provisions of the Income Tax Act. Admittedly, the petitioner is not an accused in the said case. It is the allegation of the prosecution that the accused in the said case had used the petitioner's said vehicle i.e. one Mahindra XUV500 bearing registration No. MH-13 CT

4455 in the commission of the offence. It is not in dispute that the petitioner filed an application and sought interim custody of the vehicle. The said application was allowed by the learned Sessions Judge vide order dated 14th July, 2021 on the certain terms and conditions. The operative part of the order reads thus;

“(1) Criminal Revision Application No. 15/2021 is allowed.

(2) Mahindra XUV500 R W11 BS IV Car colour Lakeside (Dark Brown) bearing Registration No. MH-13/CT-4455, Chesis No. MA1YU2WUVJ6E14635, Engine No. WUJ4E10204 be handed over to the petitioner by way of interim custody on his executing before the concerned Court Supurtnama in the sum of RS.20,00,000/- (Rupees Twenty Lacs only) and on furnishing one or more solvent surety/sureties in the like amount. The petitioner shall also furnish bank guarantee/cash security of Rs. 3,00,000/- (Rupees Three Lacs only) before the concerned Court.

(3) The petitioner shall furnish the undertaking to abide by the usual terms and conditions including that the petitioner shall not bring about any change in the shape of the vehicle and shall not transfer the same to any third person and shall produce the same before the learned trial Court as and when directed to do so.

(4) Photographs of the vehicle be kept on record while giving interim custody of the same to the petitioner.”

6. The petitioner is aggrieved by clause 2, inasmuch as, it directs the petitioner to execute the supurtnama in the sum of Rs.20,00,000/- and on furnishing one or more solvent sureties in the like amount. It also directs the petitioner to furnish Bank Guarantee/Cash Security of

Rs.3,00,000/- before the concerned Court. As noted above, the petitioner is not the accused in the said case. The vehicle is of 2018. Nothing was found in the petitioner's vehicle.

7. Considering the aforesaid, in the facts, it would be appropriate to modify the condition in clause 2 of the impugned order dated 14th July, 2021 passed in Criminal Revision Application No. 15 of 2021, to the extent as stated hereinbelow;

ORDER

(i) The petitioner shall execute a Supurtnama in a sum of Rs.10,00,000/- instead of Rs.20,00,000/- and furnish one or more solvent sureties in the like amount. The petitioner shall now furnish Bank Guarantee/Cash Security of Rs. 25,000/- instead of Rs.3,00,000/-.

(ii) Rest of the conditions imposed vide order dated 14th July, 2021 to remain as it is.

8. Accordingly, the petition is disposed of on the aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.