

GRM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 846 OF 2022

Akshay Narayan Kamath	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Applicant present in person.

Mr. R. M. Pethe, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 24, 2022

P.C.:

1. In the present criminal application, the applicant who appears in person, challenging the order dated 29th June, 2022 refusing to release vehicle no. MH-46-L-0494, which was seized in N.C. Case No. 4/2022 under Section 130(1)/177, 130(3)/177 & 185 of Motor Vehicle Act by Kopri Police Station, Thane. The learned Chief Judicial Magistrate, Thane by the impugned order dated 29th June, 2022 rejected the application bearing no. Criminal Miscellaneous Application No. 1284/2022 on the ground that the applicant has failed to establish that he is the owner of car.

2. This Court on 10th November, 2022 permitted the applicant to file affidavit of registered owner and himself to show the transfer of vehicle in favour of the applicant.

3. In pursuance of the same, the applicant has tendered

affidavit of the owner dated 9th November, 2022. The said affidavit is not sworn before Notary. It appears the signature of Notary denotes that the document is attested.

4. The learned APP for the State has placed on record the statement of original owner recorded on 12th November, 2022 wherein the original owner has stated before the investigating officer that the affidavit tendered by the applicant is not signed by him and it is signed by somebody else.

5. If this be so, the document which is produced before the Court to get final order from the Court, is forged document. Therefore, the application filed on behalf of the applicant can not be entertained. The application is, therefore, rejected. No costs.

(AMIT BORKAR, J.)