

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

CRIMINAL WRIT PETITION NO.6652 OF 2021

Balasaheb Chattar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Vijay S. Kurle, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondent No.1– State.

Mr. P. A. Pol a/w Mr. Ranjit Hatkar i/b Pol Legal Juris, for the Respondent Nos.3 and 4.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JANUARY 2022

(THROUGH VIDEO CONFERENCING)

P.C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner has sought the following reliefs:-
 - “ a) *This Hon’ble Court be pleased to condon the delay of 93 days;*
 - b) *This Hon’ble Court be pleased to call the records of Writ Petition 686 of 2021 to restore the Petition and recall the impugned order dated 16th July, 2021 passed in Writ Petition 686 of 2021 and set aside the same;*

- c) *This Hon'ble Court be pleased to direct the Respondent No.1 to seize the vehicle to enable the petitioner to release from the competent court / authority as the bonafide owner;*
- d) *This Hon'ble Court be please to take action under law of perjury on the respondents for playing fraud upon this Hon'ble Court;*
- e) *Such other and further orders be passed in the interest of justice."*

3. Learned Counsel for the petitioner submits that the observations made in para 9 of the order dated 16th July 2021 passed in Criminal Writ Petition No.686 of 2021, is contrary to the record i.e. the FIR was lodged prior to passing of the order dated 16th July 2021.

4. Be that as it may. The petitioner in Criminal Writ Petition No.686 of 2021 had filed a petition seeking release of his vehicle impounded by the police. The question before the Court was whether the RTO Officer had the power to detain the said vehicle. It is in this light that the order dated 16th July 2021 was passed.

5. Considering the aforesaid, no ground is made out for recalling the order dated 16th July 2021 or for restoration of Criminal Writ Petition No.686 of 2021.

6. Petition is dismissed and disposed of as such.

REVATI MOHITE DERE, J.