

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.160/2022

Shri Arvind s/o Shrawan Yelane

...Versus...

The State of Maharashtra, Through Tahasildar, Nagpur, Civil Lines, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.L. Kadu, Advocate for petitioner
Ms T.H. Udeshi, APP for respondents

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/04/2022

1. Heard Shri Kadu, learned Counsel for the petitioner and Ms Udeshi, learned Additional Public Prosecutor for the respondents.

2. An affidavit has been placed on record by the learned Additional Public Prosecutor for the respondents, which is dated 21/04/2022 notarized on 25/04/2022, in which, it is stated that there is no seizure panchanama of the vehicle in question, either by the police authorities or the revenue authorities. Another affidavit, dated 27/04/2022 has been filed stating that the show-cause-notice dated 17/05/2021 (pg.43) shall be withdrawn by the answering

respondents and also stating that the order dated 15/06/2021 imposing the penalty under the provisions of Section 48 (8) of the Maharashtra Land Revenue Code shall be withdrawn.

3. In view of both these statements, the criminal writ petition needs to be allowed and the vehicle bearing registration No.MH-36-G-2616 is directed to be released in the custody of the petitioner. It is, however, made clear that in case the said vehicle is found to have indulged in any illegal activity henceforth, the same shall carry the consequences, as per law.

4. The authorities are also hereby warned that in case there is any seizure of any vehicle in absence of any seizure memo or a panchanama, the same shall not be countenanced by this Court. In such case, the Court shall not refrain from imposing the heavy costs upon the authority making the seizure.

5. The criminal writ petition is therefore accordingly allowed. No costs.

(AVINASH G. GHAROTE, J.)