

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

CRIMINAL REVISION APPLICATION NO. 79/2022

Manoharsing Gendasing Rajput..Versus...State of Maharashtra and ors

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

Court's or Judge's orders

Mr. V.B.Bhise, Advocate for applicant
Mr. A.R.Chutke, APP respondents.

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/05/2022

1] Heard Mr. Bhise, learned counsel for the applicant
and Mr. Chutke, learned APP for respondents.

2] The application challenges the order dated
30.8.2021 passed by Respondent No.1 (pg 28) to the extent
that it directs the confiscation of the vehicle which was found
transporting the rice, bearing No. MH-18 AA-5936 and its
release upon deposit of the market value of the vehicle, upon
failure, to auction the vehicle and deposit the auction amount
with the respondent. The Appellate Court by the judgment
dated 25.10.2021 has dismissed the appeal.

3] Mr. Bhise, learned counsel for the applicant by
placing reliance upon **Syed Kadir Syed Isaq vrs. State of
Maharashtra, 2014 All MR (Cri.) 1704**, submits that instead of
depositing the market value of the said vehicle, it is
permissible to furnish a solvent surety to the extent of the

value of the vehicle. By inviting my attention to the communication dated 5.10.2021, he submits that the Tahsildar, Jalgaon Jamod has pegged the market value of the vehicle as Rs. 3,30,000/- and the applicant is willing to furnish the solvent surety for the same.

4] Learned APP has no objection if the solvent surety is furnished, subject to the condition that the vehicle shall not be transferred and shall be produced before the authority as and when required, considering which the order of the learned Collector dated 30.8.2021 in so far as it directs the deposit of the market value of the vehicle and the judgment in appeal dated 25.10.2021 are hereby set aside and the vehicle is directed to be released in favour of the applicant, upon his furnishing solvent surety to the tune of Rs. 3,30,000/- to the satisfaction of the authority, on the condition that the applicant shall not create any third party interest, nor transfer the vehicle to anyone whomsoever, nor shall use the said vehicle for any illegal purpose and shall produce the said vehicle as and when required before the authorities.

5] The application is accordingly allowed in the above terms.

Rvjalit

JUDGE

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 02.05.2022 18:48