

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.582 OF 2023

RAMESH NAMDEO KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. V. R. Jain

APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JUNE 20, 2023

PER COURT :

1. At the outset, learned Counsel for the Petitioner, on instructions, states that he does not wish to challenge clause 5 of the operative part of the order dated 06.01.2023 passed in Criminal M.A. No. 156/2022.

2. It is the contention of the Petitioner that trial Court has committed error in imposing condition while returning the tractor along with trolley to the Petitioner only after completion of proceedings by Tehsildar under MLRC. Learned Counsel for the Petitioner states that the said condition is not tenable and to support this submission he placed reliance on the judgment of this Court in the case of

Pravin Eknath Solanke Vs. The State of Maharashtra,
Criminal Writ Petition no. 35 of 2021.

3. In the said judgment the issue about tenability of such condition for return of property is deal with and decided in negative. This Court finds no reason to take different view than the one taken in that judgment. Thus, the condition imposed by the learned trial Court of handing over possession of tractor with trolley after completion of the proceedings by Tehsildar under MLRC cannot sustain.

4. Hence, the Petition is partly allowed. The condition of handing over of the tractor along with trolley to the Petitioner only after completion of proceedings under MLRC by Tehsildar, is hereby set aside. Tractor with trolley be released subject to other conditions imposed by J.M.F.C.

(R.M. JOSHI, J.)

Malani