

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

963 CRIMINAL WRIT PETITION NO.1124 OF 2022

**DEVRAO GAJEBHA SONSALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Madhav C. Ghode, Advocate for the petitioner
Mr. P. M. Kulkarni, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 19th JANUARY, 2023

P. C.

1. Heard the learned advocate for the parties.
2. This petition is filed by the petitioner challenging the order passed by the learned JMFC, Jafrabad rejecting an application filed by the petitioner under Section 457 of the Code of Criminal Procedure. The petitioner is owner of vehicle i.e. JCB bearing registration No. MH-21-D-3311. His vehicle was stolen and therefore, he lodged the complaint against unknown persons with the Tembhurni Police Station bearing crime No. 57/2022. The petitioner being owner filed an application before the learned trial court bearing Criminal M. A. No. 71/2022. However, same came to be rejected as stated earlier. The seized JCB was sold as scrap by the accused. Therefore the petitioner is

entitled for the recovered amount of Rs.2,70,000/- from the accused. The petitioner is thus now claiming the amount. On the basis of complaint lodged by the petitioner the accused persons were apprehended and are now facing trial. In the meantime the petitioner is unnecessarily suffering as his vehicle is stolen and on the other hand he is not getting amount towards vehicle though it is recovered from the accused persons. He is ready to abide by the conditions imposed by this court. Though it is the submission of the petitioner that amount is of Rs.2,70,000/- but only an amount of Rs.2,25,000/- is recovered. This court finds that it would be appropriate to allow the petitioner to withdraw the said amount on certain conditions. Hence, the following order:

ORDER

- i] The criminal writ petition stands allowed.
- ii] The petitioner is allowed to withdraw the amount of Rs.2,25,000/- [Rupees Two Lakhs Twenty Five Thousand Only] on following conditions:-
 - a] The petitioner shall furnish the solvent surety of the said amount.
 - b] The petitioner shall file an undertaking that in case the order goes against him or whenever the court pass

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the order, he will immediately deposit the said amount within two weeks from the date of order in the concerned court.

[KISHORE C. SANT, J.]

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