

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

CRIMINAL APPLICATION NO.3758 OF 2023
IN WP/818/2023

BALUBHAI AALABHAI MORI
VERSUS
THE STATE OF MAHARASHTRA

Ms. R. L. Jakhade, Advocate h/f Mr. S. A. Kulkarni, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 4th NOVEMBER , 2023

P.C. :-

1. This application takes exception to the valuation done of the truck in question by the learned Magistrate by order dated 31st August, 2018 while passing order in Criminal Misc. Application No. 41 of 2023 in Crime No. 7/2023 for release of truck, its valuation is done at Rs.30 lakhs, by accepting statement in first information report.
2. Learned counsel for the applicant by relying upon the insurance document contends that the valuation of the said truck is Rs.21 lakhs as on 29th November, 2022.
3. Learned APP opposed the application.

4. Learned Magistrate has relied upon the statement made in the first information report in order to hold that the aid valuation is Rs.30 lakhs, which is not a correct. Document placed on record by applicant shows that its valuation is at Rs.21 lakhs. Hence, application is allowed. Order impugned stands modified. The valuation of the truck be treated at Rs.21 lakhs. Other conditions to remain unchanged.

(R. M. JOSHI, J.)

ssp