



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

53 CRIMINAL WRIT PETITION NO. 980 OF 2025

RAHUL RAMDAS RAKSHE THROUGH HIS POWER OF ATTORNEY
HOLDER GORAKSH KANTA WAHUL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Ashok Deshpande h/f. Ms. Priyanka A. Deshpande – Advocate for
Petitioner

Mr. D.J. Patil – APP for Respondent, State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 22.09.2025

PER COURT :

1. The petitioner raises an exception to the order rendered by the Judicial Magistrate First Class, Ambad, Dist. Jalna, rejecting prayer for release of property, seized in Crime No.172 of 2025 registered for the offences punishable under Section 303(2) of the Bhartiya Nyaya Sanhita and Sections 3 and 4 of Mines and Minerals Act.

2. Apart from abovestated crime, the petitioner is an accused in an earlier offence bearing Crime No. 54 of 2024 registered with Gondi Police Station involving the same vehicle. At the time of release of vehicle in previous offence a specific undertaking was executed by the petitioner that, the petitioner would not participate in similar offences. However, the registration of successive offences unequivocally establishes the breach of the undertaking. Eventually, in the wake of registration of

successive offence, the learned Magistrate has declined to exercise discretion in favour of the petitioner.

3. It is a matter of record that previous Crime No.54 of 2024 was already registered against the petitioner. Even thereafter, Crime No.172 of 2025, for the offences punishable under Section 303(2) of the Bhartiya Nyaya Sanhita and Sections 3 and 4 of Mines and Minerals Act came to be registered.

4. Admittedly, when the seized vehicle was released earlier wherein the petitioner had given a specific undertaking that there would be no involvement in similar offences. In spite of such undertaking, the petitioner is again involved in the offences of the same nature.

5. Repeated involvement of the petitioner disentitles from claiming any discretionary relief. Therefore, I am of the considered opinion that the learned Magistrate was justified in rejecting the application presented by the petitioner. As such, the petitioner has not made out any case for indulgence by this Court with order of the learned Magistrate.

6. Accordingly, the petition does not warrant any interference and the same stands dismissed. However, there shall be no order as to costs.

[SACHIN S. DESHMUKH]
JUDGE