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

908 CRIMINAL WRIT PETITION NO. 110 OF 2025

VILAS VASANT PATIL

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. S. S. Ghodke, Advocate for the petitioner
Mr. Shrikant Mundhe, Advocate for the respondent No. 2
Mr. S. B. Jadhav, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 10th JUNE, 2025

P. C.

1. Heard the learned advocates for the parties.
2. The matter is taken up for final disposal at this stage.
3. A challenge in this writ petition is to an order dated 21-10-2024 passed by the learned Additional Sessions Judge, Shahada in Cri. Revision Application No. 17/2024. Revision was filed against the order dated 05-09-2024 passed by the learned JMFC, Shahada refusing to hand over interim custody of the

vehicle in favour of the petitioner.

4. That the vehicle of the petitioner is found carrying cattle from Taloda to Shahada. The police accosted the vehicle and taken the same in the custody by registering an offence.

5. The petitioner happens only to be owner of the vehicle. He filed an application for release of vehicle bearing No. MH-18-BG-6841. The learned trial Judge rejected the application observing that same vehicle was released earlier on Supurtnama on certain condition. One of the conditions was that said vehicle shall not be used for similar activities in future. It is observed that in spite of such condition, the vehicle is again used for same purpose and rejected the application.

6. The learned advocate for the petitioner vehemently argued that the vehicle in question is only source of livelihood of the petitioner. When on earlier occasion the vehicle was found used for carrying the cattle he was not the owner. It is earlier

owner of the vehicle who had given undertaking. When the petitioner purchased the vehicle he was not made aware of any such condition. This is the only incident after he became the owner of the vehicle. He thus submits that violation of the condition is not attributed to him. It is in nobodies interest to keep the vehicle idle. He thus, prays for release of the vehicle.

7. The learned APP points out the observations of the learned Sessions Judge where the learned Sessions Judge specifically considered that earlier the vehicle was released on Supurdnama on condition. Violation of condition is taken as ground to refuse custody of the vehicle. He submits that both the courts have thus rightly observed that if the vehicle is released, again there is possibility of repeated use of the vehicle for the same purpose.

8. Mr. Mundhe, learned advocate also vehemently opposes the petition. He produced on record copy of order in Criminal Writ Petition No.1233/2019. In similar set of facts this

court had refused to grant custody of the vehicle to the petitioner therein. In similar facts the Nagpur bench also passed the order in Criminal Writ Petition No. 475/2019 and dismissed the petition.

9. This court, on hearing the parties and on going through the order, does not find any perversity in the impugned order. The learned trial court has clearly observed that though the ground is taken that the petitioner became owner of the vehicle, however, there is nothing on record to show that the vehicle is legally transferred in the name of the petitioner. The learned trial court has rightly passed the order.

10. Considering all above, this court finds that no case is made out to allow the writ petition. The writ petition, therefore, stands dismissed.

11. The learned trial court is requested to expedite the trial.

[KISHORE C. SANT, J.]