

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1476 OF 2024

Annasaheb Vithoba Asabe ...Petitioner
Versus
The State of Maharashtra ...Respondent

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Mr. Mahadeo A. Chaudhari for Petitioner.

Mr. A. S. Shalgaonkar, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st OCTOBER 2025

P.C.

1. The challenge in this Writ Petition is to the order passed by the Additional Sessions Judge, Pandharpur in Criminal Revision Application No.40 of 2022. By the said order, the learned Sessions Judge has rejected the application filed by the Petitioner for releasing vehicle bearing registration No.MH28-AB-8465 in C.R. No.109 of 2022.

2. It is contention of the learned counsel for the Petitioner that the Petitioner's vehicle is seized by the Police in C.R. No.109 of 2022. The crime is registered against the Petitioner for theft of the sand under the provisions of the Environment (Protection) Act, 1986 and the Mines and Minerals (Development and Regulation) Act, 1957.

Learned counsel further submitted that Petitioner has deposited entire fine amount in respect of the said vehicle. The Petitioner seeks custody of the said vehicle as he requires the vehicle for business purpose. The Petitioner undertakes not to use the said vehicle for illegal transportation of sand and he will not use the said vehicle for illegal purpose and he will produce the said vehicle as and when required before the trial Court. Hence, requested to allow the Petition.

3. Learned APP strongly objected to allow the Petition on the ground that the offence is registered against the Petitioner for theft of sand and other provisions of law. Petitioner has antecedents. The vehicle is seized by the police in connection with the crime. If the vehicle is released, the Petitioner may use it again for the same purpose. The learned trial Court has passed well reasoned order. Hence, requested to reject the Petition.

4. I have heard both learned counsels, perused the impugned order. The vehicle of Petitioner is seized in the year 2022, since then it is in the possession of the Police. The Petitioner needs the said vehicle for business purpose. If condition is imposed on the Petitioner, not to use it for illegal purpose and produce it as and when required before the trial Court would suffice. Moreover, Petitioner has

deposited fine amount with the Tahsildar and R.T.O. The learned counsel for the Petitioner tendered xerox copies of the receipts with the Investigating Officer. Considering these facts, I pass the following order :

ORDER

- (i) The Petition is allowed;
 - (ii) The impugned order passed by the learned Additional Sessions Judge, Pandharpur in Criminal Revision Application No.40 of 2022 is quashed and set aside.
 - (iii) The vehicle bearing registration No.MH28-AB-8465 be released, which is involved in Crime No.109 of 2022, if not required in other case with indemnity bond.
 - (iv) The Petitioner shall file an undertaking before trial Court that he will not use the said vehicle for any illegal purpose and he will produce the said vehicle as and when required before the trial Court.
5. The Petition is disposed off in the aforesaid terms.

(SHIVKUMAR DIGE, J.)