

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.380 OF 2024

Rajabhau Apparao Ghule & Anr. ... Petitioners

Versus

The Executive Engineer,
Maharashtra Jeevan Pradhikaran,
Water Management Department & Ors. ... Respondents

Mr. Rohit P. Karhadkar for the Petitioners

Mr. Kiranraj S. Khedekar for the Respondent No.1

Ms. Kranti T. Hiwrale, A.P.P for the Respondent-State

Mr. Sushil Nandavate, Range Forest Officer, Palghar, is present

Mr. Sunil Ghate, Round Forest Officer, Padgha (I.O.), is present

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
TUESDAY, 25th NOVEMBER 2025***

P.C. :

1 Pursuant to our order dated 24th November 2025, the Range Forest Officer as well as the Round Forest Officer are present in Court. They state that they could not remain present yesterday as they had not received notice of the hearing.

2 By this petition, the petitioners seek release of the JCB machine under Section 53 of the Indian Forest Act.

3 Learned A.P.P, on instructions, states that subsequent to the filing of this petition, charge-sheet has been filed in the case on 27th February 2025. He submits that in view of the filing of the charge-sheet, the appropriate remedy available to the petitioner is to file an application under Section 53 of the Indian Forest Act before the appropriate Court.

4 In view of the aforesaid subsequent development, learned counsel for the petitioner does not press the present petition and seeks leave to withdraw the same, with liberty to file an application under Section 53 of the Indian Forest Act before the concerned Court for release of the petitioner's JCB machine.

5 If an application is filed, the concerned Court to
decide the same as expeditiously as possible and in any event,
within four weeks from the date of filing of the application.

6 Petition is accordingly disposed of as withdrawn with
liberty as prayed.

7 Needless to state, all contentions of both parties on
merits are kept open.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.