



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3014 of 2019

Prashant Urakudadas Dahiwale

vs.

State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K. A.Kothari, Advocate for petitioner.
Mr. N. S.Rao, AGP for respondent nos. 1 and 2.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 23rd APRIL, 2025

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Heard.

2. The petitioner has questioned the order dated 11.02.2019 passed by the respondent no.3 whereby the petitioner was directed to pay the penalty of Rs.2,33,600/-.

3. It is the contention of the counsel for the petitioner that his vehicle was empty and the respondents have falsely implicated him in the proceedings.

4. It appears from the impugned order, so also from the seizure report that when the vehicle was intercepted it was found to be carrying sand for which though an opportunity was given, there is a failure on the part of the petitioner to produce the royalty pass.

5. As far as the contention of the petitioner that the vehicle was empty is concerned, we cannot appreciate such defense in writ jurisdiction as it is for the petitioner to prove such defense when the same is countered by the learned Assistant Government Pleader appearing for the respondents based on the documents referred to above viz. the seizure report dated 09.03.2019 and the order impugned.

6. That being so, we are of the view that no interference/indulgence is called for in extraordinary jurisdiction.

7. We are further informed that the vehicle of the petitioner is already released as he has paid the fine amount.

8. As such, we dispose of the petition with liberty to the petitioner to question the impugned order, if so required, in an appropriate proceedings before the competent Civil Court. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.