



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

CRIMINAL WRIT PETITION NO. 744/2025

(R. C. Plasto Tanks & Pipes Pvt. Ltd. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. V. Bhanarkar, Advocate for petitioner.
Mr. Bhagwan M. Lonare, APP for respondent.

CORAM: M. M. NERLIKAR, J.

DATED : 30/09/2025.

Heard.

2. The petitioner is the original owner of Truck bearing No.MH-40-BG-3729. Initially, the First Information Report ('FIR') was registered vide Crime No.70/2018 for the offence punishable under Sections 279, 338, 304-A of the Indian Penal Code and Section 184 of the Motor Vehicles Act. The petitioner had rented the said vehicle to the accused namely Sikandar Biharilal Khairwar (Truck Driver) which met with an accident when the accused was driving. Later on, the petitioner applied for release of Truck which was seized. By an order dated 11.06.2018, the application was allowed and the Truck was directed to be released on certain terms and conditions. It further

appears that as the original accused i.e. Sikandar Khairwar remained absent for past six years, therefore the trial could not be proceeded. Accordingly on 12.08.2025, the learned Judicial Magistrate First Class, Sadak/Arjuni passed a suo-moto order by directing the Police Inspector of the Duggipar Police Station to get back the Truck and detain the same.

3. The learned counsel for the petitioner submits that the learned Magistrate does not have the power to pass the said order without giving an opportunity of hearing to the present petitioner.

4. The learned counsel for the petitioner further submits that there is no violation of conditions which were laid down in the order dated 11.06.2018 and if the accused-Driver is not available, the petitioner cannot be faulted with.

5. On the other hand, the learned APP submits that since it has been six years, non-bailable warrant was issued against the original accused Sikandar

Khairwar so as to procure his attendance, however, he still remained absent and therefore, in order to expedite the trial, the Court was compelled to pass the impugned order.

6. After considering the rival submissions, it appears that release of vehicle was by an order dated 11.06.2018, wherein one of the condition is that “the applicant is directed to produce the seized vehicle as and whenever required by this Court.” Further, it is an admitted position that there was no notice issued to the present petitioner by the Court before passing of the impugned order and it appears that the learned Magistrate has taken a suo-moto cognizance of the fact that the Driver Sikandar Khairwar since six years has not been attending the Court, in spite of issuance of non-bailable warrant.

7. No doubt, the summary case No.139/2018 is pending since last 6 to 7 years. It is the duty of the Court and the Police Officials to find out whereabouts of the accused Sikandar Khairwar. But, that blame

cannot be shifted on the petitioner, for the reason that he has nothing to do with the crime neither he has been arraigned as an accused nor he is connected to the said crime. It is only his Truck which was involved in the said crime which at the relevant time, was rented to the accused Sikandar Khairwar.

8. It is further to be noted that without issuing the notice to the present petitioner, the impugned order dated 12.08.2025 was passed which is in violation of principles of natural justice. Therefore, in my opinion, the learned Magistrate has committed error while passing the order against the present petitioner. Further, the fact remains that the petitioner has not flouted any of the conditions of the order dated 11.06.2018 which was passed while releasing the said vehicle.

9. In view of the above, the impugned order is not sustainable. Hence, the following order:-

(I) Writ Petition is allowed.

(II) The order dated 12.08.2025 passed by the learned Civil Judge Junior Division and Judicial Magistrate First Class, Sadak/Arjuni in SCC No.139/2018 is hereby quashed and set aside.

10. Petition stands disposed of in above terms.

(M. M. NERLIKAR, J.)