



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 84 OF 2026

Abdul Majed Abdul Rauf

....Petitioner

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for the Petitioner : Mr. Deshmukh Chaitanya Satishrao
APP for Respondents: Mr. K.K. Naik.

CORAM : MEHROZ K. PATHAN, J.

DATE : 23rd FEBRUARY, 2026.

P.C. :-

1. The petitioner has approached this Court seeking quashment of the order dated 24.9.2025 passed by the 14th Judicial Magistrate First Class at Aurangabaed in Criminal Misc. Application No. 3003 of 2025 only to the extent of the condition requiring payment of fine of Rs. 3,53,300/- alleged imposed by the Revenue Department. A further prayer is made for quashing the order dated 17.10.2025, passed by the Additional Sessions Judge, Aurangabad in Criminal Revision Application No. 153 of 2025 which confirmed the aforesaid condition of payment of fine.

2. The learned counsel for the petitioner submits that the vehicle was seized in Crime no. 288 of 2025 registered by the City Chowk Police station for the offences punishable under Sections 303(2) of BNS and Section 2(1)(2) of Mine and Minerals Act, 1957.

3. As per the said FIR, there were two Hiwa trucks found which

were being used for transporting the sand without permission. The same were seized by the revenue authorities in the raid conducted by the them, upon information that the sand was being illegally transported in the aforesaid two trucks. One of the said trucks bearing registration No. MH-15/GV-7376, was owned by the present petitioner. After the raid was conducted and the sand was tendered alongwith the vehicle, the vehicles were brought to the Tahsil office and it is alleged that from the premises of Tahsil office, the said vehicles were stolen by the driver of the vehicle i.e. Shaikh Naim Shaikh Khalil. The revenue authorities had, therefore, registered an FIR for theft against the said accused driver, namely, Shaikh Naim Shaikh Khalil bearing FIR No. 288 of 2025. After registration of FIR, police had conducted investigation and found the vehicle in possession of the driver and as such, seized the vehicle. The learned counsel for the petitioner, however, submits that though the FIR is registered as Crime No. 288 of 2025, allegations are against the driver and not against the applicant, who is the owner of the vehicle. The petitioner, therefore, moved an application for release of the vehicle before the 14th JMFC, being Criminal M.A. No. 3003 of 2025 seeking release and return of the said vehicle under Section 457 of the CrP.C. which came to be allowed by the learned JMFC. However, an onerous condition was imposed that the applicant shall pay an amount of Rs. 3,53,300/- as fine, for release of the vehicle, as the revenue department has imposed the fine of aforesaid amount in the revenue proceedings, undertaken by them under Section 48 of the MLR Code.

4. The petitioner, being aggrieved by the said condition of payment of fine of Rs. 3,53,300/- for release of vehicle as fine imposed by the revenue department, has preferred a revision before the revisional court. The revisional court i.e. Additional Sessions Judge, Ahmednagar vide its order dated 17.10.2025 has maintained the said order dated 24.9.2025, passed by the 14th JMFC, Aurangabad thereby imposing the

condition of payment of fine for release of the vehicle. The petitioner, therefore, has approached this Court challenging the imposition of said condition. Learned counsel for the petitioner Mr. Deshmukh relies upon the judgment of this court in the case of ***Samir S/o. Mahboob Shaikh vs. The State of Maharashtra, dated 16.10.2019, passed in Criminal Writ Petition No. 1463 of 2019*** wherein, this court has found that such condition that the vehicle can be returned only after the completion of the proceeding initiated by the revenue authorities under Section 48 of the Maharashtra Land Revenue Code would create obstacle in the powers of the Magistrate under Section 457 of Cr.P.C. The learned counsel for the petitioner further relies upon the judgment of this Court in the matter of ***Vinayak Ambadas Adhatrao vs. State of Maharashtra reported in AIR Online 2021 Bom. 2046***, to submit that similar condition imposed by the learned JMFC imposing a fine of Rs. 2,00,000/- to be deposited with the revenue authorities, without prejudice to the rights and conditions of the parties was found to be harsh and therefore, quashed and set aside.

5. The learned counsel for the petitioner submits that imposition of such condition of payment of fine of Rs. 3,53,300/- imposed by the revenue department is too harsh upon the petitioner who is the owner of the truck and is using the said vehicle for commercial purposes. The petitioner earns his livelihood on the transportation of goods in the said vehicle and as such, the condition is onerous and would be impossible to be fulfilled by the petitioner. The counsel for the petitioner voluntarily submits that the petitioner is ready to deposit an amount of Rs. 1 Lakh for release of the vehicle without prejudice to his right to challenge the imposition of fine by the revenue authorities in the legal proceedings filed by them, independently under the Maharashtra Land Revenue Code.

6. The learned APP, vehemently opposes the present petition on

the ground that the petitioner's vehicle was allegedly stolen from the premises of the Talathi after the raid was conducted upon the information received that the vehicle was being used for sand transportation illegally. Upon interception, the driver of the vehicle did not produce any legal document to show that the sand was being transported legally. As such, exercising powers under Section 48 of the MLR Code, proceedings were initiated and the vehicle was seized and was kept in the Tahsil office. In the interregnum, during said proceeding were pending before the Tahsildar, the said vehicle was stolen by the driver of the vehicle Shaikh Naik and therefore, the FIR was registered bearing No., 288 of 2025 registered by the City Chowk Police station for the offences punishable under Sections 303(2) of BNS and Section 2(1) (2) of Mine and Minerals Act, 1957. The revenue authorities, after initiation of the proceeding under the MLR Code, has imposed a fine of Rs. 3,53,200/-. The learned JMFC, therefore, has rightly taken into consideration the aforesaid view that an independent proceeding under the MLR Code was undertaken by the revenue authorities and, therefore, the fine imposed by the revenue authorities was considered as one of the conditions for release of the vehicle. The Revisional Court also did not interfere into the well reasons order passed by the learned JMFC. The condition imposed by the learned JMFC is with an intention to create an impediment upon the vehicle being used as for transportation of sand. The writ petition is therefore liable to be rejected.

7. I have gone through the judgment passed by the learned JMFC dated 26.9.2025, as well as the judgment dated 17.11.2025 passed by the learned Sessions Judge, Aurangabad. I have also gone through the judgments relied upon by the petitioner in the matter of ***Vinayak Vs. State of Maharashtra and Samir Mahboob Shaikh Vs. State of Maharashtra (cited supra)***.

8. As the petitioner has himself voluntarily agreed to pay Rs. 1 Lakh towards fine, this Court need not go into the aforesaid merits of the matter. Hence, the following order.

O R D E R

[A] The respondent No.1 is directed to release the vehicle bearing Registration No. MH-15/GV-7376, on payment of fine of Rs. 1 Lakh with the Revenue Authorities. The petitioner shall also furnish the Indemnity Bond of Rs. 5,00,000/- on the condition that the petitioner shall not transfer, alienate the said vehicle in favour of any third person and also not make any changes in its physical appearance.

[B] Needless to mention that the the aforesaid payment of Rs. 1 Lakh by the petitioner shall be without prejudice to his rights to challenge the imposition of fine in the revenue proceedings and shall be taken into consideration for that purpose.

[C] With the aforesaid observations, the writ petition is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-