

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 CRIMINAL WRIT PETITION NO. 379 OF 2026

ONKAR SHIVAJI BORHUDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. R.R. Karpe, Advocate for the petitioner.

Mr. N.B. Patil, A.P.P. for respondents-State.

...

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 5 MAY 2026.

Oral order (Per Abasaheb D. Shinde, J.) :

1. By this writ petition under Article 226 of the Constitution of India, the petitioner has put-forth the following prayers :

“B] By issuing Writ of Mandamus or any other Writ or direction in the like nature, thereby kindly direct the respondent authorities, particularly the respondent no.5 Tahsildar, Parner to release the vehicle i.e. Tata LPK 1618 CRBS IV having registration No. MH-22-AN-7171 forthwith in favour of the present petitioner in the light of order Below Exh-1 dated 24.02.2026 passed by Ld. JMFC, Parner in Crim. M.A. No.23/2026.

C] By issuing Writ of Mandamus or any other Writ or direction in the like nature, thereby direct the respondent authorities to act in accordance with the representation dated 02.03.2026 and

11.03.2026 respectively addressed by present petitioner to the concerned respondent authorities to release the vehicle i.e. Tata LPK 1618 CRBS IV having registration No. MH-22-AN-7171 forthwith in favour of the present petitioner in the light of order Below Exh-1 dated 24.02.2026 passed by Ld. JMFC, Parner in Crim. M.A. No.23/2026 with further direction to initiate proper inquiry against the concerned erring officers who are responsible for such inaction and delaying process of actual release of vehicle.

D/ By issuing Writ of Mandamus or any other Writ or direction in the like nature, thereby quash and set aside the notice dated 23.02.2026 issued by respondent no.5-Sub Divisional Officer, Shrigonda, Parner Division, Dist. Ahilyanagar”.

2. Learned counsel for the petitioner submits that the vehicle of the petitioner viz: Tata LPK 1618 CRBS IV having registration No. MH-22-AN-7171 (hereinafter called as the “said vehicle”) was seized pursuant to F.I.R. bearing Crime No. 0003/2026 registered with Parner Police Station for the offences punishable under Sections 134(A), 134(B), 184 of Motor Vehicles Act and Sections 106 (1), 125(a), 125(b), 281 and 324(4) of Bharatiya Naya Sanhita, 2023 (for the brevity, hereinafter referred to as “BNS 2023”). It is further contended that the petitioner preferred Crim.M.A. No. 23/2026 before the learned Judicial Magistrate (First Class) (hereinafter called as

“learned J.M.F.C”), Parner for release of the said vehicle. The learned Magistrate vide order dated 24.02.2026, directed the police authorities to release the said vehicle on certain terms and conditions. Learned counsel for the petitioner further submitted would further submit that despite there being an order passed by the learned J.M.F.C., the respondents are not releasing the said vehicle. He therefore submits that the writ petition deserves to be allowed by directing the respondents to release the said vehicle.

3. Per contra, learned A.P.P. would submit that though the learned J.M.F.C. has directed the police authorities to release the said vehicle however pursuant to the action initiated by the respondent Revenue Authorities under Section 48(7) of the Maharashtra Land Revenue Code, 1966 (for the sake of brevity hereinafter referred to as “MLR Code”) the said vehicle cannot be released. He would further submit that the Revenue authority has also passed an order under Section 48(7) of the MLR Code thereby imposing penalty on the petitioner to the tune of Rs. 3,20,000/-. He would further submit that the said vehicle has been seized by Revenue Authority by resorting to the provisions of MLR Code and if at all the petitioner is aggrieved, the petitioner may avail alternate remedy as available under MLR Code. He therefore urged that the writ

petition deserves to be dismissed.

4. After having heard learned counsel for the petitioner and the learned APP, we find that admittedly there is an order passed by the learned J.M.F.C. dated 24.02.2026 in Cri.M.A. No. 23/2026 thereby directing release of the aforesaid vehicle. We find that if the respondents contend that penalty under Section 48(7) of MLR Code to the tune of Rs. 3,20,000/- has been imposed on the petitioner, the petitioner can at the most be saddled with such penalty and as far as release of the said vehicle is concerned, on recovery of the said penalty, the vehicle could have been released. Be that as it may, we find that the said vehicle cannot be kept idle and it needs to be released on petitioner's depositing 50% of the penalty imposed by the Revenue authority.

5. This Court in the case of Tanvir Kadir Shaikh vs The State of Maharashtra and others decided on 02.04.2024 in Writ Petition No.302 of 2026, has already taken a view that in the light of the order passed by competent criminal court thereby directing the Authorities to release the vehicle, Revenue Authorities, unless resorting to the provisions of Section 48(8) (1) and (2) of MLR Code, cannot retain the vehicle. This Court however has directed the petitioner therein to deposit 50% of the penalty imposed on him.

6. In the present case, admittedly the Revenue Authorities have imposed penalty of Rs. 3,20,000/- on the petitioner. We therefore direct the respondents Authorities to release the aforesaid vehicle of the petitioner subject to petitioner's depositing 50% of the penalty imposed on him, within two weeks from today. We make it clear that deposit of 50% of the amount of penalty will be condition precedent for release of vehicle. We make it clear that if the petitioner chose to challenge the order of imposition of penalty, the amount deposited pursuant to this order, will be taken into consideration by the appellate authority as and when appeal would be decided. In case the petitioner choose not to file appeal challenging imposition of penalty, the respondent Authorities are at liberty to recover the remaining penalty.

7. With these directions, the writ petition stands disposed of.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE