

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

**938 CRIMINAL WRIT PETITION NO. 396 OF 2026**

VISHAL BABAJI TALEKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

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

Mrs. A.S. Deshmukh, 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. Hyundai India Motor Ltd. Creta 1.4 CRDI S having registration No. MH-14-GH-9277 and Tata Motors Ltd. Company’s 1618/36 Tipper bearing its registration No.MH-16-AY-9109 forthwith in favour of the present petitioner in the light of order Below Exh-1 dated 25.02.2026 passed by Ld. JMFC, Parner in Crim. M.A. No.26/2026.*

*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 addressed by present petitioner to the concerned respondent authorities to release the vehicles i.e. Hyundai India Motor Ltd. Creta 1.4 CRDI S having registration No. MH-14-GH-9277 and Tata Motors Ltd. Company's 1618/36 Tipper bearing its registration No.MH-16-AY-9109 forthwith in favour of the present petitioner in the light of order Below Exh-1 dated 25.02.2026 passed by Ld. JMFC, Parner in Crim. M.A. No.26/2026 with further direction to initiate proper inquiry against the concerned earring officers who are responsible for such inaction and delaying process of actual release of vehicle.*

2. Learned counsel for the petitioner submits that the vehicles of the petitioner viz: Hyundai India Motor Ltd. Creta 1.4 CRDI S having registration No. MH-14-GH-9277 and Tata Motors Ltd. Company's 1618/36 Tipper bearing its registration No. MH-16-AY-9109 (hereinafter called as "the said vehicles") were seized pursuant to F.I.R. bearing Crime No. 0038/2026 registered with Parner Police Station for the offences punishable under Sections 109, 140(3), 132, 121(1), 303(2), 324(4), 352, 351(2), 3(5) of the Bharatiya Naya Sanhita, 2023 (for the brevity, hereinafter referred to as "BNS 2023") and

under Sections 3 and 15 of the Environment Protection Act, 1986. It is further contended that the petitioner preferred Crim. M.A. No. 26/2026 before the learned Judicial Magistrate (First Class) (hereinafter called as “learned J.M.F.C.”), Parner for release of the said vehicles. The learned J.M.F.C. vide order dated 25.02.2026, directed the police authorities to release the said vehicles on certain terms and conditions. Learned counsel for the petitioner would further submit that despite there being an order passed by the learned J.M.F.C., the respondents are not releasing the said vehicles. He therefore submits that the writ petition deserves to be allowed by directing the respondents to release the said vehicles.

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 vehicles, 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 vehicles 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 vehicles have 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 25.02.2026 in Cri.M.A. No. 26/2026 thereby directing release of the said vehicles. 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 vehicles is concerned, on recovery of the said penalty, the said vehicles could have been released. Be that as it may, we find that the said vehicles cannot be kept idle and those need 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 said vehicles 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 the said vehicles. 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, writ petition stands disposed of.

**(ABASAHEB D. SHINDE)**  
**JUDGE**

**(SANDIPKUMAR C. MORE)**  
**JUDGE**