



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

CRIMINAL WRIT PETITION No. 3 OF 2026.

Krishna s/o Sureshrao Yetre,
Aged about 56 years,
Occupation – Agriculturist, resident
of Gunjkhedra, Post Sorta,
Tahsil Deoli, District Wardha.

...

PETITIONER.

VERSUS

The State of Maharashtra,
through Police Station Officer,
P.S. Pulgaon, Tahsil Deoli,
District Wardha.

...

RESPONDENT.

Mr. A.R. Ingole, Advocate for the Petitioner.
Mr A. Mate, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 26, 2026.

ORAL JUDGMENT :

Heard. Rule. Rule is made returnable forthwith and by

Rgd.

consent of learned Counsel for the parties, the matter is taken up for final disposal.

2. By present petition filed under Articles 226 and 227 of the Constitution of India, the petitioner is challenging the judgment and order dated 13.08.2024 passed in Criminal Revision No.20/2024 by the Additional Sessions Judge, Wardha and also the order dated 01.04.2024 passed in O.M.C.No.32/2024 by the Judicial Magistrate First Class, Court No.1, Pulgaon, District Wardha.

3. A Crime No.54/2024 was registered against the petitioner with Police Station, Pulgaon for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code, alleging that the petitioner was transporting sand by using a Tractor bearing Registration No. MH-34-A-5494. The petitioner is owner of the said Tractor, which came to be seized by the police, therefore, he moved an application under Section 457 of the Code of Criminal Procedure before the Judicial Magistrate, First Class, Pulgaon for release of the said Tractor, however, by order dated 01.04.2024, his application

Rgd.

came to be rejected on the ground that there are two similar crimes registered against him. Petitioner was found to be indulged in carrying illegal sand, and if the said Tractor is released, there is every possibility that he would be committing the same offence again. This order was assailed by the petitioner before the Sessions Court, Wardha by filing Revision under Section 397 of the Code of Criminal Procedure, which came to be dismissed by judgment and order dated 13.08.2024.

The learned Counsel for the petitioner submits that one opportunity may be granted to the petitioner. He will not illegally transport the sand with in the Tractor bearing No.MH-34-A-5494. To the same effect, the petitioner has filed an undertaking on 20.01.2026, wherein he has undertaken the following :

“That, in the event of seizure of the vehicle involved in the present matter again in future, I will be held responsible for contempt of this Hon’ble Court and I further undertakes to abide by any of the conditions that may be directed by this Court for release of the vehicle involved in the present matter.”

Therefore, prayer is made to release the tractor.

Rgd.

4. On the other hand, the learned A.P.P. vehemently opposes the application and submits that there are concurrent findings by the Courts below. That there are as many as 3 crimes registered against the petitioner, and in all the three crimes, including the present one, the tractor which was seized in Crime Nos.656/2023 and 830/2023 i.e. earlier crimes, came to be released on certain terms and conditions, however, again the petitioner has committed similar type of offence and, therefore, the present Crime No.54/2024 came to be registered. It is therefore, submitted that merely giving an undertaking before this Court is not sufficient. The petitioner is not a law abiding person and he has no respect towards the orders of this Court, as the terms and conditions which were imposed in the earlier orders of the Court while releasing the tractor, have been violated and therefore, prayed for dismissal of the petition.

5. I have considered the rival submissions canvassed by the parties, and have gone through the order passed by the Judicial Magistrate, First Class, Pulgaon dated 01.04.2024 in O.M.C.32/2024

Rgd.

wherein the application filed by the petitioner came to be rejected, and also the judgment and order passed by the Sessions Court, Wardha in Revision No.20/2024 dated 13.08.2024. No doubt the petitioner has committed two similar offences at the earlier point of time, wherein his tractor was seized by the police authorities. It further appears that the said tractor was released by the order of Judicial Magistrate in both the crimes. It is also an admitted fact that in both the earlier crimes the tractor was released by the Competent Court, and even thereafter, the petitioner has committed similar crime and his tractor was involved in carrying excavated sand illegally. Apparently this is the third offence committed by the petitioner, wherein his tractor is involved. However, considering the fact that no purpose would be served by keeping the tractor in idle condition, and the fact that the petitioner has given an undertaking to this Court, in my opinion accepting the undertaking, one chance is required to be given to the petitioner. Hence the following order.

ORDER

[a] Criminal Writ Petition is allowed and disposed of.

Rgd.

- [b] The judgment and order passed by the Additional Sessions Judge, Wardha in Criminal Revision No.20/2024 dated 13.08.2024, as also the order passed by the Judicial Magistrate First Class, Court No.1, Pulgaon, District Wardha in O.M.C.No.32/2024 are quashed and set aside.
- [c] The petitioner to abide by the undertaking given to this Court. If in future he is found to be involved in similar type of offence, the prosecution is at liberty to approach this Court by initiating appropriate proceedings.
- [d] Rule is made absolute in aforesaid terms.

JUDGE