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

CRIMINAL APPLICATION (APL) NO.373/2026

(Shri Satyajeet Santosh Das Vs. State of Maharashtra, through Police Station Officer, Ganeshpeth Police Station, Nagpur)

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

Mr. U.A. Gosavi, Advocate for the applicant.
Mr. K.R. Lule, A.P.P. for the non-applicant/State.

CORAM: MRS. VRUSHALI V. JOSHI, J.
DATED: 18.4.2026.

The applicant has filed this application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short "B.N.S.S.") seeking quashing and setting the F.I.R. bearing Crime No.0026/2026, registered by Ganeshpeth Police Station, Nagpur for the offence punishable under Sections 223 and 285 of the Bhartiya Nyaya Sanhita, 2023 (for short "B.N.S.") and the charge sheet thereof bearing No.45/2026.

2. On 29.1.2026 the complainant along with other officials was present on the spot. The vehicle driven by the applicant bearing NO.MH-40-Y-6989 was standing before *Dhanashree Travels* which was indulged in pick and drop of the passengers. When the complainant asked about permit of the same, no document in that regard was shown. When asked about the name of driver, it is learnt that the applicant was driving the vehicle from Nagpur to Chandrapur. It is alleged that the applicant has violated the Notification issued by the Traffic Department, Nagpur City dated 12.8.2025 bearing No.3292. Therefore, a crime was registered against

the applicant under the provisions of Section 223 and 285 of the B.N.S. and charge sheet bearing No.45/2026 also came to be filed.

3. The learned Advocate for the applicant has stated that the applicant is having All India Permit except Himachal Pradesh and Chandigarh. On 12.8.2025 the Notification is issued. It is the contention of the non-applicant that the Notification bearing No.3632 dated 12.9.2025 has continued the restriction imposed vide Press Note issued on 12.8.2025 for the period from 13.9.2025 to 12.3.2026. The notification dated 12.9.2025 is purportedly issued under Sections 115, 116 and 117 of the Motor Vehicles Act. The said Notification was challenged by way of a Writ Petition bearing No.4738/2025 before this Court which is pending. In said writ petition, the learned Additional Public Prosecutor has made a statement that the said notification will not apply to All India Tourist Permits.

4. The learned Advocate for the applicant has stated that the crime is registered for the alleged violation of Notification issued by the Deputy Commissioner, Traffic, Nagpur City on 12.8.2025 and same was valid till 12.9.2025. Therefore, not only the registration of the offence against the applicant but also the detention of the vehicle is illegal as the Notification bearing No.3292, dated 12.8.2025, on the basis of which the offence is registered was not in force after 12.9.2025. Hence, prayed to quash and set aside the F.I.R. and the charge sheet filed against the applicant.

5. The learned A.P.P. opposed the application stating that the Notification 3632 was issued subsequently which continues the ban over the entry and exit and also pick up and drop of the passengers of the vehicular traffic by the private operators. The Notification is

enforced from 13.9.2025 to 12.3.2026 which is subsequently extended from 13.3.2026 to 12.3.2027. Thus, the applicant has breached the Notification and acted in violation of the same as the date of incident is 29.1.2026. Hence, prayed to reject the application.

6. Heard both sides and perused the record.

7. The crime is registered as the applicant has violated the Notification issued on 12.8.2025 bearing No.3292. On careful perusal of said Press Note i.e. Notification it is seen that it was for 13.8.2025 to 12.9.2025. The violation is of Notification No.3292 and the incident took place on 29.1.2026. When the incident took place the Notification was not in existence, therefore, on the basis of said Notification, the crime under Section 223 and 285 of the B.N.S. cannot be registered. On perusal of the Notification dated 12.9.2025 though it appears that said notification will be applicable from 13.9.2025 to 12.3.2026 but the crime is registered for violation of the Notification dated 12.8.2025 bearing No.3292 and on perusal of Notification dated 12.8.2025 it appears that it is not continued. It is a separate Notification and there is no violation of said Notification. Therefore, the offence under Sections 223 and 285 of the B.N.S. will not be attracted.

8. The learned Advocate for the applicant has pointed out that proviso to Section 115 of the Motor Vehicles Act would reveal that any restriction or prohibition under this section cannot remain in force for a period of more than one month. Thus, the offence registered against the applicant vide F.I.R. No.0026/2026 for the alleged violation of Notification dated 12.8.2025 and the charge sheet

bearing No.45/2026 cannot be sustained. Hence, the following order:-

ORDER

i) The F.I.R. bearing Crime No.0026/2026, registered by Ganeshpeth Police Station, Nagpur for the offence punishable under Sections 223 and 285 of the B.N.S. and the charge sheet bearing No.45/2026 are quashed and set aside against the present applicant only subject to depositing Rs.5,000/- with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC Code UBIN0812978 and producing the receipt thereof on record within two weeks.

ii) The application is allowed in the above terms and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

Tambaskar.

Signed by: MR. N.V. TAMBASKAR
Designation: PS To Honourable Judge
Date: 21/04/2026 10:13:58