



R.C.C. No.151/2023
State ..V/s..Abdul Said

ORDER BELOW EXH-8
(Passed on 19th August, 2024)

As the applicant/accused felt aggrieved by imposition of Condition no. 'C' pass in operative part of order passed below Exh. 01 dated 09.01.2024, the applicant/accused was revision petitioner before Hon'ble Court Sessions, Akot, and thereby he knocked the door of Revision Court praying to quash and set aside the said condition.

2. The revision petitioner had filed an information obtained by him under Right to Information Act, by which the Tahsildar thrown light on a fact that no proceeding as regards to fine, penalty on the alleged trolley has been initiated, pending and therefore the Hon'ble Revision Court after assessing and considering said factor pleased to set aside the said condition and directed the revision petitioner to apply before this court for reconsideration of said condition.

3. The Hon'ble Revision Court while assessing into the said factor has been pleased to throw light on the information which was never the part of this charge-sheet or application pending before this court and consequently the Hon'ble Revision Court pleased to direct this court to reconsider the said condition and thereby set aside condition.

4. The Learned Counsel of applicant/accused Shri A. R. Kakad submitted that the said order was directed to be communicated to this court by the Hon'ble Revision Court.

5. At the outset, it is expedient to observe here that before imposing such condition, this court has called the say of concerned revenue authority that is Tahsildar, Telhara and vide Exh- 6, he submitted to the court that such proceeding has been initiated and the recovery of fine whatever is pending against said Tractor and Trolley and resultantly by vesting reliance of such divested say, this court has imposed said condition.

6. Now, when the information obtained under RTI Act, was placed before the Hon'ble Revision Court therein the said authority submitted before the Hon'ble Revision Court that no such proceedings is initiated or pending as regards to fine or penalty amount is subjudiced before said authority. Since, the information given under RTI Act, having prevailing value over all other submissions the Hon'ble Revision Court by giving consideration to said information pleased to set aside the condition. Since, the said conditon has been set aside by the Hon'ble Revision Court and direction has been given to reconsider the said condition i am of the considered opinion that in view of such order and information submitted before the Hon'ble Revision Court by the applicant/accused the condition no. 'C' imposed on applicant/ accused needs to be relaxed and accordingly, i passed following.

Order

- i The condition imposed as condition no. 'C' in operative part of order passed below Exh 01 dated 09.01.2024 is hereby relaxed.
- ii The Stenographer is hereby directed to take fresh copy of order passed below Exh. 01 without their being mentioning said condition.

iii Such true copy be given to the applicant/ accused.

Telhara
Date 19.08.2024

(Rahul A. Rannaware)
Judicial Magistrate First Class, Jt. Court, Telhara

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original .

Name of Stenographer : Ku. M. V. Bahal
Court Name : Jt.C.J.J.D. & J.M.F.C.,Telhara
Date : 19.08.2024.
Signed by presiding officer on : 19.08.2024.
Uploaded on : 20.08.2024.