

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (POSSESSION OF MUDDAMAL)
NO. 8629 of 2022**

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STATE OF GUJARAT

Versus

VAYA PRASHANT DURLABHBHAI
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Appearance:

MR. ROHAN RAWAL, APP for the Applicant(s) No. 1

MR PRATIK Y JASANI(5325) for the Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 19/08/2026****ORDER**

1. By filing the present petition under Articles 226 and 227 of the Constitution of India, the Petitioner – State of Gujarat has prayed for the following reliefs:

“(a) Your Lordship may be pleased to admit the present Special Criminal Application;

(b) Your Lordship may be pleased to quash and set aside the order dated 06.06.2022 passed by the Learned Principal District & Sessions Judge, Jamnagar in Criminal Revision Application No. 34 of 2022 and order dated 01.04.2022 passed by learned Judicial Magistrate First Class.

(c) Pending, admission, hearing and final disposal of this petition, Your Lordship may be pleased to stay the effect and operation of the order dated 06.06.2022 passed by the Learned Principal District & Sessions Judge, Jamnagar in Criminal Revision Application No. 34 of 2022 order dated 01.04.2022 passed by learned Judicial Magistrate First Class.”

2. The facts of the matter are such that; on 13.03.2022, the police staff of the Digvijay Plot Police Station had detained a vehicle bearing Registration No. GJ 10 DF 6737 along with other muddamal articles lying in the said vehicle. The Respondent herein had filed Criminal Misc. Application before the learned Chief Judicial Magistrate, Jamnagar under Section 457 of the Code of Criminal Procedure for return of the said articles i.e. Aadhar Card, a Purse containing cash worth Rs.5000/-, ATM Card and the License, which were lying in the said vehicle. It was also prayed that the concerned police authorities be directed to return the vehicle in question to the petitioner by recovering compounding fees from him. The learned Magistrate, vide order dated 1.04.2022, allowed the said application and directed the concerned police authorities to hand over the muddamal articles, including the vehicle in question to the petitioner.

2.1 Being aggrieved by the said order, the Petitioner – State of Gujarat had preferred Criminal Revision Application No. 34 of 2022 before the learned Sessions Court at Jamnagar. The learned Sessions Court vide order dated 6.06.2022, dismissed the said Revision Application.

2.2 Thus, being aggrieved by both the aforesaid orders, the Petitioner – State has preferred the present petition.

3. Heard learned APP for the Petitioner – State. He submitted that the orders passed by the learned trial court as well as by the learned Sessions Court are ex facie contrary to law. The learned Magistrate was not entitled to pass the impugned order under the provisions of Section 207 of the Motor Vehicles Act. Under the provisions of Section 207 of the Motor Vehicles Act, the Respondent could have got the vehicle released by paying the compounding fees on the very same day. However, he had

chosen not to do so. The behaviour of the Respondent ought to have been taken into consideration by the learned Sessions Court as well as by the learned Magistrate before passing the orders impugned in the petition. He therefore submitted to allow the petition and quash and set aside the orders impugned in the petition.

4. Learned Advocate Mr. Pratik Y. Jasani appearing for the Respondent has opposed the petition contending that the orders impugned in the petition are just and proper and requires no interference at the hands of this court. He therefore prayed to dismiss the petition.

5. Heard learned Advocates for the respective parties.

6. At the outset, it is required to be noted that the learned Magistrate as well as the learned Sessions Court have recorded the concurrent findings in favour of the Respondent. Learned APP is not in a position to show any illegality into the orders passed by both the courts below.

7. From the record, it appears that the concerned police authorities had detained the vehicle in question in view of the provisions of Section 207 of the Motor Vehicles Act. Along with the vehicle, certain other articles mentioned herein above, which were lying in the Boot Space of the vehicle, were also seized. Section 207 of the Motor Vehicles Act authorizes detention of the vehicle only. The concerned police authorities had no powers to seize the other articles along with the vehicle.

8. Upon overall perusal of the material available on record, it appears that the police authorities had acted in a high handed manner. It is the case of the Petitioner – State that the Respondent herein did not agree to pay the compounding fees under Section 207 of the Motor Vehicles Act. However, there is nothing on record to show that, upon refusal by the

Respondent to pay the compounding fees, any prosecution has been lodged against him.

9. Having regard to these aspects, no case is made out for interference. Hence, the petition is hereby dismissed. Rule is discharged. Interim relief stands vacated.

(M. R. MENGDEY,J)

J.N.W / 279 / C