

ORDER BELOW EXH.1
[Shakti Nana Palange V/s. State of Maharashtra]

The instant application is filed u/s. 503 of The Bhartiya Nagrik Surakha Sanhita 2023 for releasing the seized Suzuki Access 125 R.C.T. Scooter Motorcycle bearing registration No. MH.45/BC-8783 on interim custody.

Facts giving rise to file the application in brief are as follows :

2] Applicant is claiming to be the registered owner of seized vehicle. Applicant in support of his claim placed on record, copy of particulars of vehicle with list at Exh.4/2. Applicant lastly prayed for interim custody of above mentioned seized vehicle. Ld. A.P.P. Shri.A.B.Shelke has prayed for rejection of application as reveals from his say at Exh. No. 6. Opponent has filed say at Exh.No.5 and contended that, the accused may commit the same offence. He prayed for rejection of the application.

3] Admittedly, seized vehicle appears to be standing in the name of applicant, as seen from document (copy of particulars of vehicle at Exh.4/2) placed on record. It reveals from the say of the opponent that, the seized vehicle came to be seized from accused Rahul Balu Dalvi. Hence, his say is called. He filed his say below Exh.No.08 alongwith adhar-card and has given no objection to hand over the interim custody of the seized vehicle to the applicant. At this stage, while returning vehicle on interim custody, it is necessary to determine the proper custody and therefore, I am of the view that, registered owner of the seized vehicle is the proper person to have custody of the seized vehicle and furthermore person in whose name certificate of registration stands will be the person who would be able to put the seized vehicle to the best use, even during the period of interim custody and that therefore, applicant should be preferred. Needless to add that, a seized vehicle is meant for user and the owner should not be deprived of such user. It is also equally true that, for want of user the seized vehicle is likely to rot and rust.

4] On perusal of particulars of vehicle at Exh.4/2, it clearly reveals that, the applicant is the registered owner of the same. Therefore, the first condition of the section 503 of BNSS. that, the applicant must be entitled to possess the property duly satisfied.

5] Apart it, in the future, if at all, the investigating machinery is needed the aforesaid seized vehicle either for the purpose of identification of seized vehicle by the witnesses or for its production before the Court, the said purpose would be served if photographs of the seized vehicle showing it's clear parts is taken and the same is kept on the record.

6] In the light of above discussion and after taking into the facts and circumstances of the case as well as the directions of Hon'ble Apex Court in case of "**Sunderbhai Ambalal Desai Vs. State of Gujarat 2003 ALL MR (Cri) 363 (S.C.)**", and the directions of Hon'ble Bombay High Court in the case of "**Jeevan Pundlikrao Kendre Vs. State of Maharashtra 2005(2) Mh.L.J. 475**", I am of the view that, the applicant has sufficiently made out the case that, he is the registered owner of the seized vehicle and therefore entitled to possess thereof. Hence, it will be proper to release the seized vehicle on interim custody in favour of the applicant being the registered owner of the seized vehicle, subject to conditions. In the result, I proceed to pass the following order :

ORDER

- i] The seized vehicle i.e. Suzuki Access 125 R.C.T. Scooter Motorcycle bearing registration No. MH.45/BC-8783 be given in interim custody to applicant Shakti Nana Palange on furnishing indemnity bond of Rs.1,00,000/- (Rs. One Lakh Only).
- ii] Applicant shall not dispose of the above mentioned vehicle and keep the same in good condition, as on today. Applicant shall not misuse or sell the above mentioned vehicle.

- iii] Applicant shall produce the above mentioned vehicle as and when asked by the the Court and if applicant fails to produce the same, then in that event he shall deposit amount of Rs.1,00,000/- (Rs. One Lakh Only).
- iv] State Excise, Akuj is directed to obtain valid insurance of the seized vehicle before handing over the same to the applicant.
- iv] Concern Officer is directed to carry out the *panchanama* of vehicle and shall take the photographs clearly showing it's registration number and body parts of vehicle which shall be counter signed by the applicant at the time of handing over the custody of above mentioned vehicle and to submit the *panchanama* and photographs for evidence in Crime No.142/2026 registered with Police Station, Natepute.

Date : 24/07/2026.

(Aaditya A. Vyas)
Judicial Magistrate F.C., Malshiras.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word as per the original Order.

(a) Name of the Stenographer : S.T.Korbu,

(b) Name of the Court : 2nd Jt.C.J.J.D. & J.M.F.C., Malshiras, Dist. Solapur,

(c) Order signed by P.O. on : 24/07/2026.

(d) Order uploaded on : 24/07/2026.