



Cri. M. A.113/2022  
Shubham Vs State  
Crime no.151/2022  
State Excise, Shirol  
CNR NO.MHKO180005692022

**ORDER BELOW Exh. 01**  
( Dated 19th October, 2022 )

1) This is application filed under section 457 of the Cr.P.C. for return of property. It is the contention of the applicant that he is absolute owner of SANTRO ZIP PLUS GS OTHERS of HYUNDAI MOTOR INDIA LTD. company's four wheeler bearing Registration No.NH-12-CK-3616 having its chassis No.MALAC51HR4M537352 and Engine No.G4HD4E25283. He has further contended that said four wheeler seized by State Excise, Shirol for the investigation of Crime No.151/2022. Said vehicle is required for his daily transaction. He is ready to abide each and every conditions imposed by this Court. Hence, requested to grant this application.

2) Say filed by investigating officer. He has no objection to return said vehicle to applicant on certain terms and conditions. Ld. APP filed say and opposed this application on the ground that, if the custody of said vehicle handed over to the applicant he will used it to commit another crime. Hence she has requested to reject this application.

3) Heard both the sides. Perused record and proceedings.

4) Applicant has filed his affidavit in support of this application. He has also filed photocopy of certificate of registration which

shows that the applicant is registered owner of TATA INDIGO LX BSIII four wheeler bearing Registration No.NH-12-CK-3616 having its chassis No. MALAC51HR4M537352 and Engine No. G4HD4E25283 .

5) As per contention of applicant he used said vehicle for his daily transaction. Therefore considering his submission if said vehicle lying in the premises of police station, its engine, tire tube and other parts will be damaged, hence it is nothing, but loss of national property. Much more time is required for filing charge-sheet and conclusion of trial. Therefore, there is no purpose to keep lying said vehicle in the premises of the police station. Hence, I think it would be just and proper to hand over the custody of said four wheeler to the applicant by imposing certain condition. Thus, I proceed to pass following order.

### **ORDER**

- (i) Application is allowed.
- (ii) Temporary custody of SANTRO ZIP PLUS GS OTHERS of HYUNDAI MOTOR INDIA LTD. company four wheeler bearing Registration No.NH-12-CK-3616 having its chassis No.MALAC51HR4M537352 and Engine No.G4HD4E25283 be handover to the applicant after execution of indemnity bond of Rs.7,00,000/- (Rupees Seven Lakh only ).
- (iii) Applicant is directed to execute said indemnity bond before this Court.
- (iv) Applicant is hereby directed not to change the color of said vehicle as well as not to alienate said vehicle without prior permission of this court.

- (v) Applicant is hereby directed to produce said vehicle before this court as and when directed.
- (vi) Indemnity bond executed by the applicant be sent to the concern police station.
- (vii) Concern I.O. is directed to file said indemnity bond alongwith report in Crime No.151/2022, registered with State Excise, Shirol.
- (viii) I.O. is directed to take photograph of the vehicle for its sufficient identification at the cost of applicant and prepared panchanama and submit the same along with final report in crime No.151/2022.

Date: 19/10/2022.

[ S.S. Ingle ]  
Judicial Magistrate, (F.C.)  
Kurundwad.