

ORDER BELOW EXH. 2 IN SESSIONS CASE NO. 1083/2022
(State of Maharashtra Vs. Siddharth Shrikhande & ors.)

1] Present application is filed by accused **No.2 Ashish Vijay Kambale** under Section 457 of the Code of Criminal Procedure, 1973 praying that Grey colour Activa (Honda Activa 6G DLX) bearing Registration No.MH12/UD/0308, Engine No.JF91EW7026736, Chassis No. ME4JF91AANW026479 seized during investigation, be returned to him.

2] The say of I.O. was called. The I.O. did not file say. Ld. APP has filed say that vehicle is used in the crime. If it is returned, the vehicle may be transferred to third person. There is possibility that the vehicle may be changed. Hence, application be rejected.

3] Heard both sides at length.

4] On perusal of the FIR, prima facie, it is seen that offence u/s 376, 376 (2) (n), 354, 384, 323, 506 r/w 34 of IPC is registered against the accused. Present applicant-accused is co-accused. His vehicle is seized in the offence. On perusal of charge-sheet, it is seen that the vehicle is seized on 26.05.2022. The muddemal receipt matches with the description given in the application. During investigation the RC Book, the tax receipt as well as insurance policy is recovered. It is seen that the vehicle is owned by present applicant. Applicant-accused has produced on record RC book and Adhar card. On perusal of the documents produced by the applicant-accused and also recovered during investigation, description of the muddemal article matches. The ownership is not denied. The alleged vehicle is shown as muddemal in the charge-sheet. Ex-facie the muddemal property seems to be belonging to the applicant-accused. The same is presently lying

unattended and in idle condition. It being a vehicle, if kept idle, its parts are likely to rust and therefore, at this stage, it is proper that muddemal property be provisionally returned to the applicant-accused on proper terms and conditions. Hence, I pass the following the order.

ORDER

1.	Application Exh. 02 is allowed.
2.	Muddemal being Grey colour Activa (Honda Activa 6G DLX) bearing Registration No.MH12/UD/0308, Engine No.JF91EW7026736, Chassis No. ME4JF91AANW026479 be returned to the applicant on executing supurtnama in the sum of Rs. 50,000/-(Rs. Fifty thousand only) after the vehicle is insured.
3.	The applicant shall not in any manner sell, hypothecate, transfer or alienate the muddemal without prior permission of Court.
4.	The applicant shall produce the muddemal whenever required by Court.
5.	The applicant shall not make any major changes in the vehicle so as to make it difficult for the identification.

Date : 17/08/2023.

(V. A. Patravale)
Additional Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of this PDF file are word to word as per the original order.”

Name of the Steno : Smt. V. S. Sonawadekar (Grade I)

Name of the Court : Smt. V. A. Patravale
Adhoc District Judge 3 &
Additional Sessions Judge, Pune

Date of Order : 17/08/2023

Order signed by PO on : 17/08/2023

Order uploaded on : 17/08/2023