

MHGA070008982022



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AHERI,
DISTRICT-GADCHIROLI**

(Presided over by Amolkumar A. Deshpande)

Cr.M.A.No. 250/2022

THE APPLICANT:

Shri. Ajju Jalil Sheikh,
Aged 31 years, Occupation – Trade,
Resident of Allapalli, Taluka Aheri
District – Gadchiroli.

- V E R S U S -

THE NON-APPLICANT:

State of Maharashtra
Through Police Inspector,
Police Station - Bhamragad,
District -Gadchiroli.

Appearance :

Learned advocate Mr. Satish V. Jainwar for the applicant.

Learned A.P.P. Mr. Sudhakar K. Paradhi for the non-applicant.

ORDER BELOW EXH.01

(Passed on 10th November 2022)

1. In view of section 457 of the Code of Criminal Procedure, 1973 [hereunder referred to as 'Criminal Code'], applicant has prayed for custody over the seized vehicle.

2. It is contended that, applicant owns a Four Wheeler Facilift BS3 of Tata Company bearing registration No. MH-33-G-2357. It is further contended that, the vehicle has been seized in crime registered by the Police Station Bhamragad. It is contended that he needs the vehicle for daily use and daily work as well as busines. He has undertaken to produce the vehicle as and when directed. It is also contended that the value of the vehicle will deteriorate if it remains in police custody. Therefore, it is prayed that the vehicle be returned in applicant's custody, in view of section 457 of Criminal Code.
3. The investigation officer/Inspector of State Police Station Bhamragad has filed his say at Ex.05. He has not objected to release the vehicle on supurdnama. Also he has filed vehicle examination report at Exh.06.
4. The learned Assistant Public Prosecutor has objected the application as usual.
5. At hearing, I have heard applicant's learned Advocate Mr. Satish V. Jainwar. I have also heard learned Assistant Public Prosecutor Mr. Sudhakar K. Paradhi.
6. To support his claim on the vehicle and its custody, applicant has relied upon the documents along-with list Ex.04. He has produced photocopies of Certificate of Registration of said Vehicle, Insurance Certificate, Certificate of fitness, P.U.C. Certificate, Aadhar Card and PAN Card of applicant. It appears from the available documents that applicant is registered owner of the aforesaid vehicle, i.e. the Four Wheeler of Tata Company bearing registration No. MH-33-G-2357 and therefore, applicant's claim over the vehicle stands solid. It is true that a vehicle is nowadays part of one's daily routine. It is luxurious need of all. So, applicant's claim is considerable. Moreover, if the vehicle is left stranded in premises of

the concern police station, its condition and value will certainly deteriorate.

7. Therefore, it can be concluded that the applicant and his application succeed. However, it is necessary that the directions in case of ***Sunderbhai Ambalal Desai vs. State of Gujarat***¹ must be adhered to. At release, the detail panchnama must be prepared about the vehicle. Similarly, photographs of the vehicle must be taken from each side, prior to such release. Applicant shall also furnish security towards subsequent production of the vehicle before Court, in case needed. Therefore, it is obvious to state that, the return of vehicle will be conditional and subject to certain compliances.

ORDER

1. The application allowed.
2. The four wheeler model Ace manufactured by Tata Motors Ltd., bearing registration number as MH-33-G-2357, having Chassis no. MAT445082GVG33531 and bearing Engine No. 275IDI06FTYS73117; shall be handed over to the applicant Ajjul Jalil Sheikh on following conditions-
 1. *applicant to execute a bond of Rs. 900000/- [in words of Rupees Nine Lakh] undertaking obligation to abide conditions in this order.*
 2. *applicant shall not sale, mortgage, dispose, transfer, alineate or destroy the vehicle, till disposal of the case arising from Crime No. 41 of 2022, of Police Station Bhamragad.*
 3. *applicant shall not change the color of body, panel of body or appearance of the vehicle, without permission of this Court, till disposal of the case arising from Crime No. 41 of 2022, of Police Station Bhamragad. For that, four photographs showing the vehicle from each side shall be taken and handed over to the concerned PSQ, at the time of panchnama prior to*

release.

4. applicant shall not use the said vehicle in commission of any similar or any other crime, today onwards.
 5. applicant shall produce, as and when orderd, the vehicle before the Court dealing with trial of the case arising from Crime No. 41 of 2022, of Police Station Bhamragad.
 6. lastly, applicant shall execute personal bond of Rs.15000/- and surety bond in like amount OR a bank guarantee of Rs. 900000/- to secure subsequent production of property before the Court.
3. Inform to the Officers of Police Station Bhamragad, accordingly, to release the vehicle **only after full compliance** of the aforesaid conditional order. Inform him to prepare neat and clear panchnama of the vehicle while releasing it, and to obtain the photographs as ordered.
 4. The bond (Supurdnama) so executed be kept in papers of the case arising from Crime No. 41 of 2022, of Police Station Bhamragad, without fail.
 5. All the concerned note the order and it be uploaded in C.I.S.

Date – 10th November 2022.

[Amolkumar A. Deshpande]
Judicial Magistrate First Class, Aheri
[JO Code- MH02091]

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word as per the original Judgment or Order.

Name of the stenographer :- J.A. Gadekar, Grade -III.

Name of the Court :- C.J.J.D. & J.M.F.C. Aheri.