

ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION
NO.1007/2015

1. Applicant Dilip Balasaheb Katkar has filed the present application to get return property i.e. Indica EV2 Taxi bearing registration No. MH-12/GZ-4303 having Chassis No. MAT600433CPE34931 Engine No.4CRAIL08EXYW21515. Applicant contended that Nigdi Police has seized the said vehicle in C.R.No.380/2015. Applicant contended that he has personally not used the said vehicle in any crime. He further contended that the said vehicle is lying ideal in the premises of police station and if it is not returned to the applicant it will get damaged. He further contended that he is ready to obey all the conditions whatsoever imposed by this Court. Applicant has filed verified copies of registration certificate, vehicle information form issued by R.T.O. Pune, tax receipt, pan card, adhar card on record. Lastly prayed to allow the application.
2. Say of Learned A.P.P. and Investigating Officer was called. Ld. A.P.P. Shri.Kamble and Investigating Officer have submitted their say. Learned A.P.P. and Investigating officer have no objection to return the said vehicle to the applicant on proper terms and conditions.
3. Perused the application, documents filed by the applicant and say of the Investigating Officer and learned A.P.P. I also perused the copy of registration certificate and vehicle information report it appears that, the applicant is the original owner of the seized vehicle and applicant filed the said application to get interim custody of the said vehicle therefore, applicant is *prima*

facie owner of the said vehicle. Considering all these and in view of the observation made by the Hon'ble Apex Court in *Sundarbhai Ambalal Desai v/s. State of Gujrat - IV (2002) CCR 345 (SC)*, I think it proper to release the said vehicle on certain terms and conditions. Hence, I pass the following order.

ORDER

Application is allowed as under.

1. Police Station Officer of Police Station Nigdi is directed to handover interim custody of seized vehicle i.e. Indica EV2 Taxi bearing registration No. MH-12/GZ-4303 to Applicant Dilip Balasaheb Katkar on his executing Supurtnama of Rs.3,00,000/- (Rs. Three Lakhs only).
2. Applicant is directed to furnish supurtnama of Rs.3,00,000/- (Rs. Three Lakhs only) before PSO Nigdi.
3. Applicant is directed not to alienate or change the nature of property till disposal of the case.
4. Investigating officer is directed to take photographs of the seized property at the costs of the applicant and to prepare detail panchanama of the seized property and furnish it along with report.
5. Applicant should produce the seized property as and when ordered by this Court.

Date : 27.01.2016

J.M.E.C. Pimpri.

20/01/16
Adv. for Applicant