



ORDER PASSED BELOW EXHIBIT NO. 1 IN CRI.M.A

NO.145/2022

(Santhosh Vs. State)

01. This is an application filed by applicant Santosh Gajanan Chvan under section 457 of the Criminal Procedure Code, 1973, for the possession of C.B. Shine Motorcycle bearing registration number MH-21-AZ-5293 which is seized by Police Station Deulgaon Raja in Cr. No. 399/2022.

02. The applicant claimed the possession of seized motorcycle on the ground that he is registered owner. It is contended that if seized motorcycle is kept in unused condition then there is possibility of damage to its parts. So also seized Motorcycle is required for his daily needs. Hence, he prayed to hand over the custody of seized motorcycle.

03. The Investigation Officer has filed say at Exh. 05 contending he has no objection to release the seized the motorcycle on imposing terms and condition. Learned A.P.P. has strongly objected the application.

04. Perused the record. Heard advocate for applicant. The applicant has placed on record the verified photocopy of certificate of registration of the seized motorcycle which shows that applicant is registered owner of it. On perusal of say Exh. 05 it reveals that claimed motorcycle has been seized in Crime No. 399/2022.

05. On perusal of record it reveals that the applicant is resident of village Kumbharzari Tq. Jafrabad. Moreover, present application is filed before this Court by the applicant on affidavit. On considering entire record it reveals that if the seized motorcycle is not released on temporary supurtanama, then its engine will be damaged. In view of the above aspects and ratio laid down by Hon'ble Apex Court in "*Sunderbhai Desai Vs. State of Gujarat reported in AIR 2003 Supreme Court, 638*" it is just and proper to return seized

motorcycle to the applicant who is registered owner, on the interim custody by imposing some conditions. Hence, I proceed to pass the following order.

ORDER

- 1] The application is allowed.
- 2] The seized C.B. Shine Motorcycle bearing registration number MH-21-AZ-5293 be handed over to applicant Santosh Gajanan Chvan who is the registered owner, till conclusion of the trial, on the applicant executing bond of Rs. 60,000/- (Sixty Thousand Rupees only)
- 3] The applicant to undertake that he shall not sell or transfer the seized motorcycle without permission of the Court. The applicant to maintain and preserve seized motorcycle in all respects.
- 4] The applicant is directed to produce the seized motorcycle in the Court as and when required or called by the Court.
- 5] The supurtanama be executed before the investigation officer.
- 6] The Investigation Officer is directed that while releasing the seized motorcycle he should take photographs, prepare detail panchanama and send the same along with charge-sheet to this Court.

Date :- 05.11.2022.

(Shweta S. Parihar)
Judicial Magistrate F.C.,
Deulgaon Raja, Court No. 02

Certificate

I affirm that the contents of this PDF are same words to words, as per the original judgment .

Name of Stenographer : Shri. M. H. Patdiya
Name of Court : C.J.J.D. & J.M.F.C., Deulgaon Raja.
Upload on date : 05-11-2022.