

IN THE COURT OF METROPOLITAN MAGISTRATE,
32ND COURT, BANDRA, MUMBAI.

Notice No. 520/N/2018.
C.R. No. 33/2018.
Excise 'O' Division

Kirit Ramjibhai Somaiya

... Applicant

V/s.

**Sr. Inspector of Police,
(Excise 'O' Division)**

...Respondent.

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY
VIZ. TATA INDICA CAR.

By this application the applicant **Kirit Ramjibhai Somaiya**, is seeking return of Tata Indica car, bearing registration No. MH-02-AY-3884 as quoted in the application, being registered owner for the same. It is further submitted that, the said car was seized by Excise 'O' Division, as alleged. He is ready to produce the said property whenever required till final disposal of case. The application is supported by various documents such as copies of Registration Certificate, insurance policy, Aadhar card and affidavit of applicant.

2. Accordingly say of Investigation Officer and APP was called. Investigating officer has strongly objected the said application and requested to follow guidelines and certain conditions quoted by the Hon'ble High Court, Mumbai, Aurangabad Bench, in Cri. Application No. 670/2002 and 1096/2002 dated 19.09.2002. Whereas, APP has failed to file his say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned car may be temporarily released in favor of the applicant, being entitled for the same. Said car is purchased in the year 2007. Thus, the amount shown in insurance has to be considered as the current amount for directing bank guarantee. But, same does not appear in policy attached. Learned advocate for applicant submits that the price of car can be around of Rs. 50,000/-. Hence, upon imposing certain conditions the said auto rickshaw may be released in favor of applicant. Hence, the following order :-

ORDER

- 1 The seized Tata Indica car, bearing registration No. MH-02-AY-3884 be released in favor of applicant viz. **Kirit Ramjibhai Somaiya** on his furnishing indemnity bond of ₹. 25,000/- and bank guarantee of Rs. 25,000/-.
- 2 He shall produce the said car as and when required by the Court.
- 3 Investigation Officer shall obtain photographs of seized vehicle from all angles for its proper identification in future and prepared panchanama, which shall be the part of charge-sheet. The photographs and panchanama shall be countersigned by the applicant/accused.
- 4 Copy to the concerned Excise Division for compliance of this order.

Date : 21.09.2018
ssl.

(Sudhir N. Shinde)
Metropolitan Magistrate,
32nd Court, Bandra, Mumbai.

