

Order on application for return of property seized by police
(Passed on 28/04/2017)

Perused the application and the documents filed along with it. It is contended that in crime no. 226/2017, State .vs. Avinash Wette and ors., u/s. 65(e) of Bombay Prohibition Act, Hero Honda Passion Plus two wheeler vehicle bearing registration No. CG.04/CL.8534 was seized by police of police station Mul. Applicant through his power of attorney holder Rakesh Maroti Gurnule, r/o. - ward no. 6, Wihirgaon, Tah. Mul is claiming to be the owner of the seized vehicle. Deed of power of attorney is signed before Notary.

2) The says of I.O. and Ld APP were called. Ld. APP did not file his say. I.O. objected to hand over the seized vehicle to the owner on suprutnama bond.

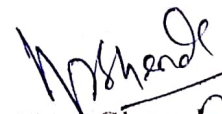
3) The Ld. Counsel for applicant filed on record the attested copies of registration certificate of seized Hero Honda Passion Plus two wheeler vehicle bearing registration No. CG.04/CL.8534, verified copy of identity card of power of attorney holder and copy of FIR. The applicant has also filed the original affidavit of his power of attorney holder namely Rakesh Maroti Gurnule. The applicant's name appears as owner in registration certificate issued by R.T.O office. Thus, applicant has prima facie shown his ownership over the Hero Honda Passion Plus two wheeler vehicle bearing registration No. CG.04/CL.8534.

4) It appears that no purpose would be served in keeping the seized vehicle lying in the Police Station. The possibility of the damage to it can not be ruled out if kept lying in the Police Station. As the applicant has shown his ownership over the seized property he is entitled for the possession of the same. The say of I.O. is not satisfactory and reasonable. In the result following order is passed.

ORDER

- a) The application is allowed.
- b) The seized vehicle Hero Honda Passion Plus two wheeler vehicle bearing registration No. CG.04/CL.8534 be handed over to the applicant on executing Supratnama bond of Rs. 60,000/- at police station Mul.
- c) The applicant to undertake that, he shall not sell or transfer Hero Honda Passion Plus two wheeler vehicle bearing registration No. CG.04/CL.8534 without the prior permission of the Court. The applicant to maintain and preserve it in all respects. He shall not make any change in the colour and appearance of the vehicle. The applicant shall produce the vehicle in the Court as and when directed.
- d) I.O. is hereby directed to submit the suprutnama bond along with charge-sheet.

Date :- 28/04/2017.
Place :- Mul.


(H.J. Shende)
Judicial Magistrate F.C.
Mul.