

**IN THE COURT OF 03RD ADDITIONAL CHIEF
JUDICIAL MAGISTRATE, JAMNAGAR**

CR.M.A. No. 717/2026

APPLICANT : **Lakhiyar Dipen @ Dipesh Chandulal**

ACCUSED : **Ribadia Jitendra Bhanubhai**

Order Below Muddamal Application u/Sec.497 of B.N.S.S.

Order for Handing over the Interim Custody - Possession of the Muddamal, in FIR No. 11202009260457/2026, in City 'B' Division Police Station, Jamnagar; Offence : u/Sec. 303(2) of B.N.S.

1. Read the Application and the notion of the Police, Panchnama and Muddamal Receipt. Heard learned Advocate for the Applicant and learned APP. This application is filed to get the possession of the seized Vehicle i.e. CD 110 Dream Black, bearing Registration No. GJ-03-LQ-3201, Chassis No. ME4JC892KLG053026 and Engine No. JC89EG0099820.
2. The applicant had parked his vehicle in the parking area situated on K. V. Road, outside the shop of M.M. Glasswala. Thereafter, the said vehicle was stolen by an unknown person. Consequently, the applicant lodged a

complaint with the City 'B' Division Police Station, Jamnagar. During the course of investigation, the police arrested the accused and it was revealed that the aforesaid vehicle had been stolen by him. Thereafter, notice came to be issued to the accused. The said notice has been duly served upon the accused. Pursuant thereto, the accused appeared before this Court and filed an affidavit at Exh.6, wherein he has stated that the possession of the aforesaid Muddamal vehicle may be handed over to the applicant.

3. The learned A.P.P. has not raised any objection to the present Muddamal application being allowed. The accused has filed an affidavit stating that he has no objection if the vehicle is handed over to the applicant.
4. Upon perusal of the Muddamal Receipt and Muddamal Panchnama, it appears from the record that the said Muddamal was seized from the Accused. The report of the police is positive, and the vehicle is not required for the purpose of further investigation.
5. Considering the photocopy of the Registration Certificate of the Vehicle, it is seen that the Vehicle is in the name of the Applicant. He has filed this application to get the possession of the said Muddamal. If the Vehicle has not been released it may turn into scrap and

considering the need of the said Muddamal in the daily life of the Applicant. Considering the Provisions of provided in Section 497 of B.N.S.S., and referring to the Judgment of the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat*, as reported in *2003 AIR SC 638*, the present application deserves to be allowed with conditions. Therefore, I pass the following order:

:-: O R D E R :-:

1. The present Muddamal Application is hereby allowed.
2. This Court is granting the interim custody (temporary possession) of the seized Vehicle i.e. CD 110 Dream Black, bearing Registration No. GJ-03-LQ-3201, Chassis No. ME4JC892KLG053026 and Engine No. JC89EG0099820, which was seized in FIR No. 11202009260457/2026 (for Offence: under Section 303(2) of B.N.S., in City 'B' Division Police Station, Jamnagar to the present Applicant **Lakhiyar Dipen @ Dipesh Chandulal**, on furnishing the bond and surety of Rs. 45,000/- for the amount of the Muddamal.

:-: CONDITIONS :-:

1. The said vehicle shall be produced before the trial Court as and when directed.

2. The aforesaid vehicle shall not be mortgaged, gifted sold, or otherwise transferred.
3. The aforesaid vehicle shall not be used for any unlawful or criminal activity.
4. No alteration or change affecting the identity of the Vehicle in question shall be made without prior permission of the trial Court.
5. At the expense of the applicant, photographs of the vehicle in question shall be taken in the presence of two panch witnesses, and a panchnama shall be prepared accordingly. The vehicle shall thereafter be handed over to the applicant, and the photographs shall be retained on record.
6. The applicant and the surety shall furnish documentary proof of their residence at the time of execution of the bond and shall also disclose the details and registration number of the vehicle.

Necessary Yadi to be sent to the concerned Police Station.

Signed and pronounced in open Court today on this 02nd day of April, 2026.

Date : 02/04/2026

[B. H. Gandhi]

Place: Jamnagar

3rd Addl. Chief Judicial Magistrate,
Jamnagar.

Judge Code: GJ00957