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Decided on : 10.06.2026
Duration : YY. MM. DD.

IN THE COURT OF SESSIONS JUDGE, SURAT.

G.P.I.D. Criminal Misc. Application No. 84/2026

Exh. _____

Rahul Babubhai Patel

Aged about : 42 years Occupation : Business
Residing at : 413, Bapunagar - 2,
Near Patel Classes, Magdalla, Surat.

....Applicant

VERSUS

The State of Gujarat.

....Opponent

Appearance:

Ld. Advocate Mr. J. G. Patel for the applicant.
Ld. A.P.P. Mr. R. P. Dobariya for the State.

Criminal Misc. Application U/s. 497 of the B.N.S.S.

:: ORDER ::

[1] The applicant has filed this application **u/s. 497 of the B.N.S.S.** with the prayer to get muddamal article i.e. the car of the BMW India Pvt. Ltd. company having model - **'BMW 520'** bearing Registration **No. GJ-19-AA-0027,** **Engine No. 77417818** and **Chassis No. WBAVN37070VR48474,** which was seized in connection with the offence registered with **D.C.B. Police Station vide C. R. No. 11210015240028/2024 under Sections 420 of I.P.C., Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, and Section 3 of the G.P.I.D. Act.**

[2] The Ld. Advocate for the applicant has submitted that the applicant is the owner of the said car. It is submitted that the copy of R. C. Book of the said car is produced along with the present application vide list Exh. 3. He has further submitted that the applicant's family members are facing many problems in transportation as the said car has been seized by the police and remaining unused. He has submitted that if the said muddamal will remain in open place at police station, then it would cause

damage to its spare parts and therefore, has prayed to allow the application.

[3] On behalf of the State, the Ld. A.P.P. has submitted that the said muddamal mobile car was purchased by accused from the money obtained from the investors by tempting them for higher returns and therefore, the proposal for the attachment of the car has been sent on 03.06.2026 to the Government, however, the order is yet not received and thus, Ld. A.P.P. has submitted that the muddamal may not be handed over to the applicant.

[4] The Investigating Officer has filed his report at **Exh. 4** while objecting the present application and has prayed to reject the same inasmuch as the proposal for attachment of the car has been sent to the Government.

[5] Heard Ld. Advocate of the applicant, Ld. A.P.P. for the State and perused the record. It transpires from the record that the said car was seized by the police in connection with the aforesaid offence and proposal of the attachment of the same has been sent on 03.06.2026. At this juncture, the ratio laid down by the Hon'ble Supreme

Court in the case of **Sundarbhai Ambalal Desai vs. State of Gujarat reported in 2003(1) GLH 307** and the decision of the Hon'ble Gujarat High Court in the case of **Abhay Shrenikbhai Gandhi vs. State of Gujarat reported in 2016 (3) GLR 2602**, are required to be referred to.

[6] In the case of **Sundarbhai Ambalal Desai (supra)**, the Hon'ble Apex Court has laid down that the power under Sec. 451 of Cr.P.C. should be exercised expeditiously and judiciously. The Hon'ble Supreme Court has observed that it would serve various purposes namely:

1. *Owner of the article would not suffer because of its remaining unused or by its misappropriation;*
2. *Court or the police would not be required to keep the article in safe custody;*
3. *If the proper Panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and,*
4. *The jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.*

[7] Further, in the case of **Abhay Shrenikbhai Gandhi (supra)**, the Hon'ble Gujarat High Court has held that the expeditious and judicious disposal of a case property would ensure that the owner of the article would not suffer because of its remaining unused or by its misappropriation; Court or the police would not be required to keep the article in safe custody; and onerous cost to the public exchequer towards the cost of storage and custody of the property would be saved.

[8] It is the say of the applicant that he is the owner of the said car. The applicant has produced the copy of R. C. Book of the said car at **Mark 3/2** and there is no dispute with respect to the ownership of the said muddamal car. It is true that the proposal for the attachment of the car has been sent to the Government, however, the muddamal article remaining unused in the police station will not serve any purpose rather it will be deteriorated in quality and value. Hence, considering the said set of circumstances as well as the principles laid down by the Hon'ble Apex Court and Hon'ble High Court of Gujarat in above referred cases, the interim custody of the muddamal article is required to be handed over to the applicant after taking necessary

security on suitable conditions. In view of the above, I pass the following order.

:: O R D E R ::

1. The applicant - **Rahul Babubhai Patel** is hereby permitted to take over the custody of muddamal article i.e. the car of the BMW India Pvt. Ltd. company having model - '**BMW 520**' bearing Registration No. **GJ-19-AA-0027**, Engine No. **77417818** and Chassis No. **WBAVN37070VR-48474**, which was seized in connection with the offence registered with **D.C.B. Police Station vide C. R. No. 11210015240028/2024**, subject to executing a personal bond of the one and half times of the value considered in the muddamal receipt for the said car **as well as a ready solvent surety of the like amount** till the disposal of the case.
2. The concerned Investigating Officer is hereby directed to draw detailed Panchnama of the muddamal article and to take photographs of the same in presence of the applicant before handing over the same to the applicant. The said

photographs of the muddamal shall be attested or countersigned by the Investigating Officer as well as by the person to whom the custody is handed over. The said Panchnama and the photographs be produced by the Investigating Officer with the papers of the alleged offence.

3. The applicant shall execute the bond on the following conditions:

1) The applicant shall produce the said muddamal article before the Court or before such other authority as the Court may direct in the course of the inquiry or trial or confiscation/attachment proceedings, as the case may be, whenever required to do so, and **the present order would be subjected to any further inquiry required pursuant to actual confiscation undertaken by the prosecution.**

2) The applicant shall not transfer or alienate the muddamal article in question by selling it or otherwise in favour of any third person nor possession of the same will be parted

with, without prior permission of this Court.

3) The applicant shall not change the identity of the muddamal article till the disposal of case.

Necessary yadi be made accordingly.

Pronounced in open court today on this 10th June, 2026.

Date : 10.06.2026
Place : Surat.

(Rahul Arunkumar Trivedi)
Sessions Judge, Surat.
Code No. **GJ01495.**

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