

MHSO180007632026



ORDER BELOW EXH. 1 IN CRI. M. A. NO. 67/2026

Maheboobali Mahammad Yusuf Qureshi

.. Applicant

Versus

Mangalwedha Police Station

.. Opponent

This application is filed under section 503 of the Bharatiya Nagarik Suraksha Sanhita for return of alleged property i.e. VE COMMERCIAL LTD company golden brown coloured EICHER PRO 3015 vehicle bearing registration no.MH-13/CU-1528 with chasis no.MC2H3JRCHL135102 and engine no.E424CDHL174956. (In Short – said vehicle).

2. The applicant submitted that, applicant is owner of the said vehicle. The said vehicle was seized in Mangalwedha Police Station C.R. No. 417/2026 for offences punishable u/s. 11(1)(a), 11(1)(f), 11(1)(h), 11(3)(a) of the Prevention of Cruelty to Animals Act, 1960, sec. 125 of the Central Motor Vehicles Act, 1989 and sec. 3(5) of the Bharatiya Nyaya Sanhita. As well as, the applicant has submitted that, if the said vehicle remains in the custody of the police then, there is possibility of the damage to the said vehicle. He is also ready to abide by terms and conditions as may be imposed by this court and prayed to allow the application.

3. The Ld. A.PP filed his say and opposed the application. He submitted that the vehicle has been seized in a serious offence. The

accused transporting the animals through the seized vehicle. He further submitted that, if the vehicle is released, the applicant may alter its nature, dispose of it, or repeat the offence. The applicant has not mentioned the need of vehicle in the application. At the time of filing of F.I.R., 16 buffelows were found in the vehicle but accused ran away alongwith vehicle and when vehicle was seized, the vehicle was empty. Hence, there is nexus between accused and applicant. Therefore he prayed to reject the application.

4. The Investigation Officer has filed his say at Exh. 5 and submitted that the offence is registered under Sections 11(1)(a), 11(1)(f), 11(1)(h), 11(3)(a) of the Prevention of Cruelty to Animals Act, 1960 and Section 125 of the Central Motor Vehicles Act, 1989. Further he submitted that, during transportation, the animals were not provided facilities such as air, water and fodder. At the time of investigation animals were not seized from the accused persons. Hence, the animals not handed over to any place or any Goshala. If the vehicle is returned to the applicant, then there is likelihood of repetition of offence, sale and not produce before the court. Therefore, he prayed to reject the application.

5. Perused application, says, documents placed on record and argument of the learned Advocate for the applicant, the learned A.P.P. The record reveals that the applicant has produced the Certificate of Registration, permit certificate, fitness certificate, insurance policy, tax receipt, PUC certificate and other relevant documents pertaining to the seized vehicle. Prima facie, these documents indicate that the applicant is the registered owner of the vehicle bearing Registration No. MH-13/CU-1528. Further, accused no.1 Mujahid Riyaj Pathan and accused no.2 Sabir Saifan Shaikh have filed affidavits at Exh. 6 and 7 respectively stating that

they do not claim any right, title or interest over the said vehicle and that they have no objection if the custody of the vehicle is handed over to the applicant.

6. The objections raised by the prosecution and the Investigating Officer mainly relate to the nature of the offence and the apprehension that the vehicle may again be used for commission of similar offences. However, it is well settled that mere pendency of investigation or trial is not by itself a ground to keep a vehicle lying idle in the custody of the police station for an indefinite period. Such vehicles are susceptible to deterioration due to prolonged exposure to natural conditions and non-use.

7. The Hon'ble Supreme Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat, 2002 Supp (3) SCR 39** has observed that seized vehicles should not be allowed to remain in police custody for a long time and that appropriate interim custody should ordinarily be granted to the person entitled thereto, subject to suitable safeguard ensuring production of the property whenever required by the Court.

8. In the present matter, no rival claimant has come forward to claim possession of the vehicle. The identity of the vehicle can be safeguarded by directing preparation of a detailed panchnama and by obtaining coloured photographs of the vehicle. The apprehension expressed by the prosecution can adequately be addressed by imposing stringen upon the applicant. Therefore, in view of the above discussion there is no useful purpose that would be served by retaining the vehicle in police custody till conclusion of the proceedings. Hence, the applicant is entitled to interim custody of the said vehicle on appropriate terms and conditions. Hence, the following order:

ORDER

1. The application is allowed.
2. The applicant shall furnish two self attested coloured photographs of the said vehicle for the purpose of the identification to the investigating officer and the Investigating Officer shall facilitate the photographs.
3. The applicant shall produce the said vehicle as and when directed by the court.
4. The applicant is directed not to change, alter, alienate the property.
5. The applicant shall execute a Indemnity bond, binding himself abide by the above condition and in default to forfeit Rs.7,00,000/- to the Government.
6. After execution of the Indemnity bond and furnishing the colour photographs by the applicant, the investigating officer shall hand over the custody of the said vehicle i.e. VE COMMERCIAL LTD company golden brown coloured EICHER PRO 3015 vehicle bearing registration no.MH-13/CU-1528 with chasis no.MC2H3JRCHL135102 and engine no.E424CDHL174956 to the applicant Maheboobali Mahammad Yusuf Qureshi by preparing necessary panchnama.
7. Issue copy of this order to the Investigating Officer for its compliance.
8. Application is disposed off.

(V.K.Patil)

Date : 15/06/2026

Judicial Magistrate F. C., Mangalwedha.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

(a) Name of the Stenographer : S.M. Gaddam

(b) Name of the Court : J.M.F.C., Mangalwedha, Dist. Solapur,

(c) Date of Order on : 15/06/2026

(d) Order signed by P. O. on : 15/06/2026

(e) Order uploaded on : 15/06/2026