

MHPA030054052026 	ORDER BELOW EXH. 1
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Present application is filed U/s. 503 of B.N.S.S. by the applicant namely Shaikh Mojud S/o Siraj, R/at Usmanpura, Tq. Jintur District Parbhani for claiming the custody of four wheeler Maruti Suzuki Goods Carrier having model number “Super Carry STD CNG” bearing registration No. MH-05-EL-7493 having Chassis No. MA3EZLF1T00267922 and Engine No.G12BN1195362. **[Hereinafter it is referred to as “seized vehicle”].**

2. Perused the application and say filed over it by I.O. and learned APP.

3. It is the claim of applicant that, in Crime No.263/2026, P. S. Parbhani Gramin has seized the vehicle. According to the applicant, he is owner and possessor of the seized vehicle. Applicant needs his vehicle for day to day routine work. The seized vehicle is kept in dump condition. It will be damaged and become useless if kept in idle condition at P .S. Parbhani Gramin. Hence, he prayed to hand over the seized vehicle to him.

4. As against this, learned APP filed his say and submitted that,

Claimed vehicle seized by P.S. Gramin Parbhani for the offence of causing death and injury by rash and negligent driving on public way. Insurance paper is not filed on record. Applicant is not registered owner. To drive vehicle without insurance is an offence. The applicant may be directed to deposit security amount to satisfy the compensations claim. Say of I.O. is on record. Accordingly, he prayed to reject the application.

5. The I.O. has filed his say at Exh. 6 and submitted that, by imposing condition, the seized vehicle be returned to applicant.

6. Heard both the sides and considered their submissions. Perused the record. To substantiate the claim raised in the application, applicant has filed his supportive affidavit. He has filed on record copy of F.I.R. of Crime No.263/2026 of P. S. Gramin Parbhani, sale-deed agreement, copy of R.C. book and copy of Aadhar card of Tahir Hussain.

7. In the case of **Sunderbhai Ambalal Desai V/s State of Gujarat AIR 2003 SC 638**, Hon'ble Supreme Court has held that, seized muddemaal should be released by the courts, as soon as possible as keeping it in police station, could cause harm to the said muddemaal and may depreciate its worth and value.

8. It is pertinent to note here that, copy of registration certificate shows that, Tahir Husain is registered owner of seized vehicle. However, notary agreement dated 19/06/2026 i.e. before one week of alleged offence, registered owner Tahir Husain is seen to have sold seized

vehicle to this applicant, for consideration amount of Rs.6,00,000/-. This notary agreement prima facie shows that, applicant is in possession of seized vehicle. Further, apart from applicant no one has come before the Court to claim the seized vehicle. Therefore, the applicant has shown his entitlement over the seized vehicle. Further, no purpose would be served by keeping the seized vehicle in P. S. Gramin Parbhani in this crime. Moreover, the trial of the said offence is not likely to be concluded in near future.

9. If the seized car is kept lying in such condition at P. S. Gramin Parbhani, then possibility of the damage to the seized vehicle cannot be ruled out. Looking into the nature of the seized vehicle, it appears that if the vehicle is not released then it will degrade or lose its worth and value. Thus, it would be proper to release the seized vehicle on certain conditions. Hence, the following order is passed.

<u>ORDER</u>	
1.	The application is allowed.
2.	The inspector P. S. Gramin Parbhani is directed to hand over interim custody of four wheeler Maruti Suzuki Goods Carrier having model number "Super Carry STD CNG" bearing registration No. MH-05-EL-7493 having Chassis No. MA3EZLF1T00267922 and Engine No. G12BN1195362 to the applicant namely Shaikh Mojud S/o Siraj on his executing indemnity bond of Rs. 6,00,000/- (Six Lakhs only).
3.	The applicant is directed not to change the colour and nature (except which is necessary for the maintenance of the vehicle) of the seized vehicle.

4.	The applicant is directed not to sell, gift, mortgage the vehicle in any manner and shall not use it in commission of any offence.
5.	The applicant is directed to produce the seized vehicle as and whenever required by this Court.
6.	Investigating Officer is directed to prepare detail panchanama in respect of release of the seized vehicle and shall take two colour photographs of vehicle one from front side and other from rear side and hand over the custody of the seized vehicle to the applicant.
7.	Indemnity Bond be executed before Investigation Officer.
8.	I.O. to take present third party insurance policy from the applicant for seized vehicle, and also to ensure that vehicle is registered in the name of applicant, before releasing the vehicle.
9.	Present case papers/orders be kept with papers of Crime No.263/2026, P. S. Gramin Parbhani.

Sd/-

[N. S. Khalate]Judicial Magistrate First Class,
(Court No. 4), Parbhani.**10/08/2026.**

Place :- Parbhani.