

MHBU160006842026



Order Passed below Exh.01 Cri. M. A. No. 51/2026
Kiran Vs. State through P.S., Borakhedi.

1. This is an application moved under Section 503 of Bharatiya Nagarik Suraksha Sanhita by the applicant namely Kiran Ganesh Gadekar for return of seized muddemal property i.e. Maruti Suzuki company's, model No. Swift VDI white coloured car bearing registration No. MH-19-AP-2715 of Engine No. D13A1136474 & Chassis No. MA3FKEV1S00366010 which was seized in connection with Cr. No. 315/2026 in respect of the offence punishable under Sections 223, 274, 275 and 123 of Bharatiya Nyaya Sanhita and under Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e), 3(1)(zz)(iv) and 59 of Food Safety and Standard Act registered at Police Station, Borakhedi.
2. The applicant submitted that he is owner of seized car. He is permanent resident of village Waghjal, Tq. Motala, Dist. Buldana. He further submitted that the police-officer unnecessarily seized his car. He is ready to abide each and every conditions imposed by this Court. Presently, said car is lying in police station, Borakhedi. Therefore, there is possibility that tyres of seized car may be damaged. Lastly, he prayed to allow present application. In support of his submissions, the applicant filed his affidavit, verified photocopies of registration certificate, Aadhaar card & photocopy of F.I.R.
3. Say of I.O. and prosecution were called out. The Investigating officer filed his say at Exh.- 05 thereby confirmed that he seized aforesaid car. He objected that the aforesaid car was seized while carrying contraband substance. The accused is absconding since date of offence. He further submitted that the applicant may not

produce seized car or make variation in seized car if seized car is released on supurtnama. With this, he prayed to reject present application. Ld. A.PP S.B.Chavan filed his say at Exh. 6 thereby objected present application on the grounds that seized car was involved in serious offences, the investigation is in progress, the applicant may use seized car in commission of similar kind of offence. Hence, he prayed to reject present application.

4. Ld. Advocate P.S. Sonune for the applicant submitted that the applicant is real owner of seized car. The applicant does not have any concern with alleged offence. The applicant is in need of said car for day to day use. The investigation is completed. Said car is unnecessary lying in concern police station. Hence, he prayed to allow present application. Conversely, Ld. A.PP S.B. Chavan submitted that the applicant may dispose of seized car. Therefore, he prayed to reject present application.
5. Perused the application and say thereon. Heard both sides.
6. I considered submission of the both the parties. Perused all documents adduced by the applicant. I have compared verified photocopy of registration certificate and Adhaar card of applicant to it's original. It is evident from the registration certificate that applicant is registered owner of car. So also, neither the investigation officer nor prosecution have taken any objection regarding ownership of seized car. Moreover, no person has placed any claim in respect of ownership of seized car. Therefore, all these facts coupled with documents show that the applicant is registered owner of seized car.
7. I.O. and prosecution objected that the applicant may make variation or sale seized car or he may handover seized car to accused and accused commit similar kind of offence. However, I am of the opinion that said possibilities may be avoided by imposing necessary conditions on the applicant. No purpose will be served by

keeping the seized car in concern police station. Considering the nature & its protection, safe custody of seized car at the hands of police officer is impracticable. The trial would not complete in near future. Therefore, in view of guidelines issued by **Hon'ble Apex Court in Sundarbhai Desai case**, it would be safe and justified to hand over interim custody of seized car during pendency of trial to the applicant by imposing necessary conditions.

8. In the light of aforesaid discussion, I have no impediment to hold that the applicant is entitled to have interim custody of the said seized car. In the result, I pass the following order.

Order

- 1 Application is allowed.
- 2 Seized muddemal property i.e. Maruti Suzuki company's, model No. Swift VDI white coloured car bearing registration No. MH-19-AP-2715 of Engine No. D13A1136474 & Chassis No. MA3FKEV1S00366010 be handover to applicant Kiran Ganesh Gadekar on executing indemnity bond of Rs. 2,00,000/- on court fees stamp of Rs. 200/- subject to following conditions that-
 - a) applicant shall not sell or transfer or alter colour of the aforesaid car without the permission of the Court and he has to maintain and preserve it in all respects till conclusion of trial,
 - b) the applicant shall produce the said car before the Court as and when directed,
 - c) the applicant is directed to submit self attested coloured photographs of the said car from all sides for identification purpose,
- 3 The applicant is directed to execute indemnity bond before Investigating officer binding himself abide by the above conditions No. a to d in default to forfeit Rs.2,10,000/- (Two lacs ten thousand) to the government.

- 4 The applicant is directed to provide documents of seized car to the investigating officer.
- 5 The investigation officer is directed to hand over custody of said car i.e. Maruti Suzuki company's, model No. Swift VDI white coloured car bearing registration No. MH-19-AP-2715 of Engine No. D13A1136474 & Chassis No. MA3FKEV1S00366010 be handover to applicant Kiran Ganesh Gadekar after executing indemnity bond and submitting coloured photographs from all sides.
- 6 This proceeding shall be tagged with case paper of final police report received in said crime.
- 7 Issue copy of this order to investigation officer for compliance.

Date:- 27/07/2026

Place:- Motala.

(Satishkumar Shripatrao Gaikwad)
Judicial Magistrate F.C., Court No. 2,
Motala, Distt. Buldana.