



1

Presented on : 24-02-2026

Registered on : 26-02-2026

Decided on : 24-03-2026

Duration : 1 months 0 days

**IN THE COURT OF THE I ADDL. DISTRICT &  
SESSIONS JUDGE, YADGIR**

Dated: This the 24<sup>th</sup> day of March, 2026

**:Present:**

**Sri. A. EARANNA, M.Com., L.L.M.,**  
I Addl. Dist. & Sessions Judge, Yadgir

**Crl.Rev.Pet.No.3/2026**

**Petitioner/Revision Petitioner:**

Sri.Pradeep Nivrutti Wanwe S/o Nivrutti  
Wanwe, Age: 34 years, Occ: Business, R/o BK  
No.1081, Loka Seva Room No.17 OT section  
Near Shivasena Shaka Ullas Nagar-3 Ullas  
Nagar Tane MH.

(By Sri.Sathish Kumar M. Advocate)

**Vs.**

**Respondent:**

The State through Wadagera P.S. Tq.Wadagera,  
Dist.Yadgiri.

(By Public Prosecutor)

**ORDER**

This revision petition is filed by the petitioner under Section 483 R/w 439 of BNSS challenging the order passed by the Addl. Civil Judge and JMFC Shahapur in Cr.No.96/2025 on the file of Addl.Civil Judge and JMFC Shahapur.

2) Petitioner has stated petitioner is the registered owner of vehicle bearing No.MH.05.EQ.2979 which was seized in Crime No.96/2025 and reported to the jurisdiction court in PF No.97/2025. Learned trial court has not considered the petitioner is registered owner of the aforesaid vehicle and filed the application U/sec.503 of BNSS. Hon'ble Court dismissed the application vide order dated:29.9.2025. Therefore, he prays to allow the petition and directed to release the aforesaid vehicle in favour of the petitioner.

3) After filing this petition court has issued the notice to the respondent. Learned PP appeared and filed the objection contending that application filed by the



3

revision petitioner is not maintainable same is liable to be dismissed. Vehicle is released in favour of the owner of the vehicle it is difficult to identify the said vehicle and it will hamper the proceedings of the case and there is chances of change the colour, shape nor may alienate. Therefore, the trial court after considering the entire facts same is rejected. Therefore, there is no grounds to allow the revision petition. He prays to dismiss the revision petition filed by the petitioner.

- 4) Heard both sides. Perused the record.
- 5) Following points arise for consideration of this Court:
  1. Whether the petitioner has made out grounds to allow the petition?
  2. What Order?
- 6) My findings on the above Points are as follows:
  - Point No.1:- In the affirmative
  - Point No.2:- As per final order,  
for the following:



4

**REASONS**

- 7) **Point No.1:-** The counsel for the petitioner argued that petitioner is the RC owner of the aforesaid vehicle. Said vehicle is required to day to day use. If the said vehicle is kept in the same place it would becomes idle and there is chances it will rust due to kept in the station. Therefore, he prays to allow the petition filed by the revision petitioner.
- 8) The learned Public Prosecutor argued that there is no grounds to allow the application he prays to dismiss the petition filed by the petitioner.
- 9) On perusal of the records, and copy of complaint as well as FIR in Crime No.96/2025 it reveals that one Syed Basha has lodged the complaint stating that there is a dispute between him and accused persons regarding land bearing Sy.No.10/1, 10/2 of Tumkur village and land bearing Sy.No.16 of Itaga village. Since 4 years back case was pending before the



5

Deputy Commissioner, has gave a judgment about 3 months back and judgment had passed in favour of the complainant for that reason on 7.8.2025 at about 9 a.m., complainant and his relatives by name Khadeer went to their land in their motor cycle bearing No.KA.33.EB.1054 after returning from their land Khadeer were riding the said motorcycle. He was pillion rider at about 2 p.m., near by the land of one Monappa Kumbar complainant and his relative were proceeding on the aforesaid motorcycle then the accused persons came in a Ertiga vehicle bearing No.MH-05-EQ-2979 Chassiss No.MA3B1C22SMB318432 Engine No.KA.15BN1 182129 and hit to the motorcycle. Due to hit complainant and rider of the motorcycle fell down. Accused persons abused in filthy language and assaulted with knife and iron rod. Due to it, rider and pillion rider have sustained injuries and lodged the complaint. Based on the complaint police have registered the case in Crime No.96/2026 for the



6

offences P/U/secs.189(2), 191(2), 191(3), 115(2), 118(2), 126(2), 109, 352, 351 (2) 190 of BNS. During the course of investigation Wadagera police have seized the aforesaid vehicle and reported to the jurisdictional court in PF No.97/2025. After seizure of the said vehicle petitioner has approached the learned Addl.Civil Judge and JMFC Shahapur seeking release of the said vehicle. Learned JMFC Court has rejected the said application on the ground that case is triable by the court of Sessions investigation is not completed. If the vehicle is released it would hamper investigation then same came to be rejected by the court. The said order was challenged before this court and seeks to set aside the order. Direct to release the aforesaid vehicle in favour of the petitioner.

10) On perusal of the records, as well as submission made by the counsel for the petitioner, petitioner Pradeep Nivrutti Wanwe is the RC owner of aforesaid Ertiga vehicle bearing No.MH.05.EQ.2979 and produced



7

the notarized copy of R.C. book, Insurance and Aadhaar card. On going through the order passed by the learned JMFC Court Apart from the petitioner none of the revivals has approached and filed the application not to release in favour of the aforesaid petitioner nor they have claiming they are the owners aforesaid vehicle. On the other hand, petitioner has produced the notarized copy of RC and insurance it reveals that petitioner is the owner of aforesaid vehicle. On the other hand, APP has filed the objection contending that case is under investigation. If the vehicle is released in favour of the petitioner it will hamper the case of the prosecution. On going through the aforesaid records as well as objection of learned PP, IO has not filed the requisition stating that aforesaid vehicle is necessary for further investigation the case nor there is dispute regarding ownership of the said vehicle nor petitioner is not the RC owner of the said vehicle. Even though IO has not filed the any requisition regrading not to



8

release the aforesaid vehicle in favour of the petitioner.

11) In the reported judgment of Hon'ble Supreme Court of India reported in **AIR 2003 SC 638 Sunderbhai Ambala Desai and C.M. Mudaliar Vs. State of Gujarat.** Wherein their lordships held that no vehicles can kept in the police station idle vehicle must be released in favour of the RC owner of the vehicle by taking appropriate bond nor to be released in favour of the Insurance Company. After obtaining photos of said vehicle. Further, in the present case petitioner has not taken the said vehicle for commission of aforesaid offence. As per the averments of the petition aforesaid vehicle was taken by the aforesaid persons without the knowledge of the petitioner to commit the aforesaid offence. Under these circumstances, if the vehicle was kept idle in the police station for a long period it would become useless due to idle and rust. Further said vehicle was needs for day to day affairs of the petitioner. Regarding identification of the property IO



9

has to produce the photos of 4 sides of said vehicle before the jurisdiction court for identification. It is needless to say each and every vehicle which was involved in the criminal cases produced before the competent court for marking of the said vehicle. With due respect to the ratio laid down in the judgment of Hon'ble Supreme Court of India no vehicle can kept longer period in the station and it would be come useless due to rust and natural calamities. Further, by taking the necessary bond and undertaking from the owner of the vehicle whenever court directs to produce the said vehicle nor IO during the investigation of the case. Therefore, I answer I answer the above Point No.1 in the **Affirmative.**

12) **Point No.2:** In view of my findings on Point No.1, I proceed to pass the following:

**ORDER**

The application filed by the petitioner  
U/sec.438 R/w 439 of BNSS. is hereby allowed



10

subject to following conditions:

1. The petitioner is directed to execute indemnity bond for Rs.5,00,000/- with one surety for the like sum.
2. The R.C. owner is directed to produce the said vehicle whenever the I.O. is directed to produce the same.
3. The R.C. owner is directed to produce the said vehicle whenever the court is directed to produce the same.
4. The R.C. owner is directed to not to change the colour of the vehicle and also not to alienate the vehicle.
5. I.O. is directed to take photograph of four sides of the said vehicle.
6. Concerned I.O. is directed to release the (Ertiga VXi CNG) vehicle bearing



No.MH.05.EQ.2979<sup>11</sup> its Chassis  
No.MA3BNC22SMB318432 and its Engine  
No.K15BN1182129 if same is not required  
in any other case.

(Dictated to the stenographer Grade -II directly on computer typed by him, corrected, signed and then pronounced by me in Open Court on this the 24<sup>th</sup> day of March, 2026).

**(A. EARANNA)**  
I Addl. Dist. & Sessions Judge,  
Yadgir.