

Order below Exh.1 in O.Mis.Cri.A.
No.47/2026
(Rajendra Ashruba Chitale Vs. State)

MHAH150003692026



This is an application u/s. 503 of the Bhartiya Nyaya Sanhita, 2023 for interim custody of vehicle.

2) It is stated by the applicant that, he is the registered owner of Suzuki Super Carry CNG vehicle bearing registration No. MH 16 CD 4405, Engine No. G12BN1119200, Chassis No. MA3EZLF1T00246129. The said vehicle has been seized by Newasa Police Station in Crime No. 111/2026 for the offence punishable u/s 3, 25 of Arms Act. It is stated by applicant that, he required said vehicle for his day to day work. Hence, he prayed to allow the application.

3) In support of application the applicant has filed on record copy of FIR, copy of R.C. book, insurance document and copy of his Aadhar Card.

4) Ld. A.P.P. filed his say overleaf of the application and submitted that, F.I.R. shows that accused found possessing pistol in vehicle in question without having license of it. Whatever this vehicle was used prior to this offence or not is required to be considered when Investigation Officer filed his say. If vehicle is released there is possibility that he may use said vehicle for illegal purpose. Hence application is opposed.

5) Investigating officer at Exh. 6 applied for time to furnis his say. But, inspite of sufficient opportunity the investigating officer failed to filed his say to this application. Hence, application

proceeded without say of Investigating Officer.

6) Heard Ld. advocate for applicant. On perusal of copy of R.C. book it appears that, applicant is the registered owner of the seized vehicle. Nothing is on record to show that investigation of the offence is remaining and this vehicle is necessary for investigation. Moreover, the purpose of prosecution will be served by preparing the panchnama and taking the photographs of said vehicle. There is no machinery in the Police Station to maintain the vehicle. If the vehicle is kept in Police Station in idle condition, then there is a possibility of its junk day by day. Further, in case of *Sundarbhai Ambalal Desai vs. State of Gujrath A.I.R. 2003 SC 638, the Hon'ble Apex Court held that*, whatever be the situation, it is of no use to keep such vehicle at police station for long period. It is for Magistrate to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for return of the said vehicle, if required at any point of time.

7) Therefore, under such circumstances, in my view, no good purpose will be served by keeping the vehicle in Police Station. As owner of the vehicle, the present applicant is entitled for the interim custody of the vehicle. In the result, I pass the following order.

ORDER

1]	The seized Suzuki Super Carry CNG vehicle bearing registration No. MH 16 CD 4405, Engine No. G12BN1119200, Chassis No. MA3EZLF1T00246129 seized by Newasa Police Station, Newasa in Crime No. 111/2026 be released in favour of the applicant on executing Supurtnama Bond of Rs.5,00,000/- on following conditions:-
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	a.	The applicant shall not dispose off said vehicle in any manner.
	b.	He shall produce the said vehicle as and when required by the Court.
2]		The Investigating Officer is hereby directed to take color photographs of the vehicle from all angles at the expenses of applicant and prepare a detail panchnama before handing over the vehicle to applicant and obtain his signature on the photographs and panchnama. The investigating officer is further directed to submit panchnama and supurtnama with charge-sheet.
3]		Application is disposed off.

Place : Newasa
Date : 09/03/2026.

(Sandhya Y. Sul)
Judicial Magistrate First Class,
(Court No.2), Newasa.