



ORDER BELOW EXH.1

(Passed on 07/04/2026)

This is an application filed by applicant for releasing Mahindra & Mahindra Tractor bearing registration No. MH-27/BB-2654, Engine No. NKJW03116, Chasis No. NKJW03116, seized in Crime No. 0058/2026, for the offence punishable under Section 303(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and M. V. Act of 3(1), 181, 130/177 registered with Police Station Dharni (herein after the seized vehicle referred as “The seized vehicle”).

2. I.O. filed his say below Exh.8. Whereas, ld. A.PP filed his say on the back leaf of Exh.1. Both are opposed the application on the ground of repetition of offence. The vehicle was seized while transporting the sand, therefore, the say of Tahsildar Dharni came to be called. The notice of calling say is served on Tahsildar office, Dharni on 12.03.2026. Despite sufficient opportunity Tahsildar held to file his say. Therefore, present application came to be decided without the say of Tahsildar.

3. Heard both parties at length.

4. Perused the application and documents filed on the record, the application is supported by an affidavit of the applicant. The applicant has filed verified copy of certificate of registration of vehicle and his Adhar Card.

5. Obviously, if the seized vehicle are just kept in custody of



police station, it will be subject to deterioration. As per the ratio laid down by Hon'ble Supreme Court in the case of *Sunderbhai s/o. Ambalal Desai v/s. State of Gujarat* reported in AIR 2003 Supreme Court 638 such seized vehicle should be released as early as possible and must not be kept lying in the police station. Relying on the principle supra, it will be appropriate to deliver the seized property to the applicant as being entitled to possession of it being its owner. No purpose will be served in keeping the seized vehicle with the police station.

6. As the applicant has shown his prima-facie possession and ownership over the seized vehicle, he is entitled for interim possession of the same thereby imposing certain conditions. Hence, the following order is passed.

ORDER

1. The application is allowed.
2. Mahindra & Mahindra Tractor bearing registration No. MH-27/BB-2654 seized in Crime No.0058/2026, Engine No. NKJW03116, Chasis No. NKJW03116, be handed over to **Shri. Hariram Totaram Patankar**, R/o. Ranitamboli, Tah. Dharni & Dist: Amravati, till the conclusion of the trial in above crime number on his executing indemnity bond of Rs.1,00,000/- (Rs. One lakh Only). Subject to compliance of any order of Tahsildar, Dharni.



3. The applicant to undertake that he shall not sale or transfer the said seized property without prior permission of the Court. The applicant shall maintain and preserve the seized property in all respect.
4. The applicant shall produce the said property in the Court or with the police station as and when directed by the court and I.O.
5. The applicant shall furnish two colour photographs of seized property with concern Police Station, as well as in the court record of the case.
6. The applicant shall not use this vehicle in commission of any offence of the same nature in future.
7. Keep the R & P of this case with the proceeding which will be aroused of the Crime No.0058/2026.

Dharni:
Dated: 07/04/2026

(D. J. Pandit)
Judicial Magistrate First Class, Dharni.

Order Below Exh.1

- 4 -

Cri.M.A.No. 05/2026

Hariram...Vs... PSO Dharni

CNR. No. MHAM140000782026



Certificate

I affirmed that, the contents of this PDF file order are same word to word as per original order.

Name of Stenographer	:	Shri. A. K. Pawar,
Court Name	:	Shri. D. J. Pandit, J.M.F.C., Dharni.
Order signed by P.O.	:	07.04.2026.
Order uploaded on	:	07.04.2026.