

MHAU030149042026

Cri. M. A. No.1993/2026



Sunita Dattatray Waghchaure

Vs

The State of Maharashtra

ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO.1993/2026

This is an application filed by the applicant under Section 503 of BNSS. Through this application the applicant **Sunita W/o Dattatray Waghchaure** is praying custody of seized muddemal property i.e.MAHINDRA THAR (NEPOLI BLACK colour), having R.T.O Registration No. MH20 FY 6508 bearing Chassis No. MA1UJ4ZA2N2C30806 and Engine No. ZAN4B44655. which was seized in C.R. No.426/2026 for the offence punishable under Section U/s 117(2), 118(2),126(2), 352 & 3(5) of B.N.S.registered with MIDC Waluj Police Station, Aurangabad.

2. Applicant contended that, seized muddemal is belongs to her. Said vehicle is required for the applicant for her daily used. Hence prayed for return of said vehicle to her.

3. The investigation officer and prayed for appropriate order and Ld. APP has prayed for rejection of the application.

4. Applicant filed on record the copy of FIR Cr. No.426/2026, Copy of R.C. Book, copy of adhar card of the applicant along with list of documents.

5. Heard learned advocate for applicant. Perused the record. Applicant filed the copy of R. C. Book of vehicle of the seized vehicle in question. The applicant is registered owner of the said vehicle registration number, chassis number and engine number mentioned in said copy of R.C. is same as mentioned by the applicant in her application. Therefore, prima-facie it is seen that, applicant is the owner of the vehicle in question.

6. Now the question is whether the applicant is entitled to get possession of the seized muddemal property. The object of the provisions of the code relating to the disposal of the property under Chapter XXXIV, is not to retain the property in the custody of the police or the Court, longer than the period which is necessary. If the vehicle kept in the premises of the police station, then there is possibility that, said seized vehicle will be rusted and will become junk day by day. Applicant seems to be the owner of seized vehicle in question.

7. Therefore, considering the above circumstances and observations, I do not find any reason to detain the seized muddemal property in question in the MIDC Waluj police station, Aurangabad. Further, it is also to be observed that, apart from the applicant, no one has claimed said vehicle till the date. Therefore, in my considered opinion, if the seized muddemal property remained in the MIDC Waluj police station Aurangabad then it may get junked and rusted day by day. On the contrary if seized muddemal property released to the applicant then, applicant may use it for his daily use. Hence, it would be proper to return the seized muddemal property to the applicant on specific bond. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The Police Officer, MIDC Waluj Police Station, Aurangabad is directed to hand over the interim custody of seized vehicle MAHINDRA THAR (NEPOLI BLACK colour) i.e. MH20 FY 6508 bearing Chassis No. MA1UJ4ZA2N2C30806 and Engine No. ZAN4B44655 be given to the applicant on executing indemnity bond (Suprutnama bond) of Rs.10,00,000/- **(Rs.Ten Lakh Only)**.
3. Applicant shall use the said seized vehicle by placing correct and appropriate number plate to the vehicle after the released.

4. Applicant shall not alienate or transfer the vehicle till the disposal of the case or without the permission of the Court.
5. Applicant shall not make any substantial change in the appearance or the part of the vehicle or will not change its nature nor should change its colour.
6. Applicant to produce the vehicle as and when required for the purpose of investigation, inquiry or trial.
7. Investigating officer shall verify the original documents and prepare detail panchnama and take necessary photographs of the vehicle before handing over the seized vehicle to the applicant.
8. Information of the order be given to the concerned police station accordingly.
9. Proceedings and all documents of present application be kept in the CR No.426/2026.
10. Issue yadi accordingly.

Date : 29.06.2026
Place : Aurangabad

(Snehal S. Jadhav)
Judicial Magistrate First Class
(Court No.13), Aurangabad