

MHAU050008642026



Vaibhav Vinayak Gawande
V/s.
State of Maharashtra through
Virgaon Police Station

ORDER BELOW EXH.1 IN CRIM.A.NO. 73/2026

This is an application filed by applicant Vaibhav Vinayak Gawande to return seized property i.e. Tractor of company International Tractors Ltd. DI-750 III HDM bearing registration No.M.H.20 EJ 3991, Chassis No. CZUDT69557083, Engine No. 4100EL73K688020F16 and Trailer bearing registration No. M.H.20-TC-1089 in Crime No.63/2026 of Virgaon Police Station, Tq. Vaijapur under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The applicant claiming to be owner and possessor of the seized tractor and trailer, which are required for his day to day use. The applicant is ready to abide the conditions imposed to him, while returning the property.

3. I.O. has filed his objection to the instant application. I.O. submits that, if the vehicle is released then the accused will commit similar offence. So also he will make changes in the said seized tractor and trailer and accused will sell out the said vehicle. The Learned A.P.P. opposed the application contending that, the said tractor and trailer were seized in the commission of illegal sand transportation and it is material evidence in the case. If the seized muddemal is released, accused might use it in the similar types of offence. The applicant may change or alter the nature of the seized

article if the said returned to him. The written say of Revenue Officer i.e. Tehsildar, Vaijapur is required. The accused has not produced the documents of tractor and trailer showing his ownership. Therefore, prayed for rejection of application.

4. Heard A.P.P. and learned Advocate for applicant. The applicant has produced copy of FIR, copy of Trade Certificate of trailer, Agreement between original owner of seized vehicle and applicant, Registration Certificate and Aadhaar card. On perusal of copy of agreement, it appears that Mr. Yogesh Pandit Thorat is the owner of said seized tractor and trailer and he has given possession of the same to Mr. Vaibhav Vijay Gawande i.e. applicant. Moreover, on perusal of Registration Certificate, it appears that Mr. Yogesh Pandit Thorat is the registered owner of the same seized vehicle. The registered owner of the seized property i.e. Mr. Yogesh Pandit Thorat has filed his affidavit stating therein that he has no objection to hand over the seized property to applicant. Therefore, the evidence of the seized muddemal i.e. tractor and trailer can be secured by way of drawing the panchnama of the same, in view of the guidelines given by The Hon'ble Apex Court in **Sunderbhai Desai Vs. State of Gujarat ; AIR SC (2003) 638**. No purpose would be served in keeping the seized vehicle lying in the police station. The possibility of damage to the property cannot be ruled out if it kept lying in the police station. Nobody has claimed the custody of said seized tractor and trailer except the applicant.

5. As the applicant has shown his ownership over the seized

vehicle, he is entitled for the possession of the same. In the result following order is passed.

ORDER

1. Application is allowed.
2. The seized muddemal i.e. International Tractors Ltd. DI-750 III HDM bearing registration No.M.H.20 EJ 3991, Chassis No. CZUDT69557083, Engine No. 4100EL73K688020F16 and Trailer bearing registration No. M.H.20-TC-1089 in Crime No.63/2026 of Virgaon Police Station, Tq. Vaijapur be handed over to the applicant **Shri. Vaibhav Vinayak Gawande** on executing indemnity bond of Rs.10,00,000/- (Rs. Ten Lakh only) on the following conditions :
 - a) The applicant shall produce the seized property as and when required by the Court and I.O.
 - b) The applicant shall furnish the colour photographs of the seized muddemal along with bond & submit it to the Court along-with chargesheet.
 - c) The applicant shall not dispose of the above said seized tractor and trailer in any manner whatsoever.
 - d) The applicant is directed not to change, alter the nature of the said property and not to dispose of the same till decision of the case.
3. After compliance by the applicant, release order be issued.

Place : Vaijapur
Date : 17.03.2026

N. S. Kale
Judicial Magistrate First Class,
Vaijapur, Dist. Aurangabad