


MHAU060005562026 	Criminal M. A. No. 72/2026 Samadhan Mokase & Others Vs. State
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ORDER BELOW EXH. 01

Applicants Samadhan Krushna Mokase and Waman Bhaurao Mokase has filed present application for interim custody of seized vehicle. It is stated by applicant that, applicant no. 1 is the owner of **Mahindra and Mahindra Company's Tractor 475 DI** bearing no. **MH-28-AJ-1134**, bearing **Chassis No. NJGH01162**, having **Engine No. NJGH01162** and applicant no. 2 is the owner of **Trolley** bearing no. **MH-20-HB-8381** bearing **Chassis No. VTA08092024**. Both vehicles are seized in the crime no. 61/2026 registered with Pishor Police Station for offence punishable under section **303(2), 49 and 3(5) of the BNS, 2023 and Section 21(1) and 21(2) of Mines and Minerals Act, 1957**.

2. Applicants stated that, applicant no. 1 has taken the seized Trolley from applicant no. 2 vide rent agreement basis. Therefore, they produced the copy of rent agreement to that effect and applicant also submitted that, applicant no. 2 has no any objection to give custody of seized Trolley to applicant No. 1. Applicants further stated that, seized muddemal is required for their daily use. If said muddemals are lying at Police Station in unused condition, its will be damaged and they would suffer economic loss. Therefore, they have prayed for interim custody of seized muddemals on supurtnama and ready to obey every condition.

3. Learned A.P.P. filed say and stating that, accused have committed very serious offence by using seized vehicle. There is concern of forest and revenue department, therefore, this application cannot decided without say of revenue department. If this vehicle released and given custody to applicant, there is a possibility by the applicant to commit similar kind of offence. Hence he has prayed to reject the application. Investigation officer also objected on the same line of APP.

4. Heard both the sides. Perused record. Applicants supported their claim by producing copy of registration certificates of both vehicles, Rent Agreement between applicant no. 1 and 2, FIR, copy of

Insurance and Aadhar Cards. On perusal of registration certificate of Tractor, it seems that, the said tractor is on the name of applicant no. 1. Further perusal of registration certificate of Trolley, it is seems that, the said trolley in on the name of applicant no. 2. After perusal of Rent Agreement it transpires that, applicant no. 2 has given the seized trolley to applicant no. 1 on rent basis. Therefore, here it would be proper to handover the custody of trolley to applicant no. 1. Persons on the Aadhar Cards are same. Further, nobody except the applicants have claimed the custody of seized muddemals.

5. According, to me, if the seized muddemals kept idle at Police Station, then certainly its spare parts will be damaged due to its non use. So also the said muddemal is useful for the applicant for their day to day business. Hence, it would be proper to return the muddemals to the applicant no. 1. At this juncture, it prima-facie shows that applicant no. 1 is a proper person seeking interim custody of the seized property. In case, if it is given to him at this stage on certain terms and conditions, there will not be any harm to the prosecution case. Considering above circumstances and law laid down by Hon'ble Supreme Court in *Sunderbhai Ambalal Desai's case*, I am of the opinion that applicant no. 1 deserves for the custody of the seized property. Hence, I proceed to pass the following order.

ORDER

- 1] Application is allowed subject to future claim.
- 2] Seized Mahindra and Mahindra Company's Tractor 475 DI bearing no. MH-28-AJ-1134, bearing Chassis No. NJGH01162, having Engine No. NJGH01162 and Trolley bearing no. MH-20-HB-8381 bearing Chassis No. VTA08092024 , seized in Crime No. 61/2026 register with Pishor Police Station, be returned to the applicant no. 1 Samadhan Krushna Mokase on his executing Indemnity Bond of Rs. 10,00,000/- (Ten Lakhs Only) for tractor and Rs. 2,00,000/- (Two Lakhs only) for trolley with condition that he shall produce the same whenever required and as and when so directed by this Court and shall not create any material changes in the said property.
- 3] The applicant shall not alienate the said properties or shall not create any third party interest over the same until decision of the

case or without written orders of this Court.

- 4] Before handing over the seized properties to present applicant, the investigating officer shall take photographs of the seized properties and produce the photographs in the charge-sheet.
- 5] Investigating Officer is hereby directed to prepare detail panchanama while handing over the aforesaid seized properties to present applicant and said panchanamas be formed part of charge-sheet.
- 6] He shall produce the above said properties as and when directed by this Court.
- 7] In the event of failure to abide by the above said conditions, the applicant shall liable to pay **Rs. 10,00,000/- (Ten Lakhs Only)** for tractor **and Rs. 2,00,000/- (Two Lakhs only)** for trolley in the Court.
- 8] After compliance of this order by the applicant, copy of the order and indemnity bonds be kept along with this proceeding and this order and original bonds be kept with charge-sheet.

Issue writ to the concerned Investigating Officer.

Date : 20.03.2026
Kannad.

(N. R. Dhoke)
Judicial Magistrate First Class
Court No.2, Kannad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : Rajesh M. Sonawane

Name of the Court : Shri N. R. Dhoke
Judicial Magistrate First Class
Court No.2, Kannad.

Date of the Order : 20.03.2026

Order signed by the
Presiding Officer on : 20.03.2026

Order uploaded on : 24.03.2026