

MHAU070010872024

R.C.C./196/2024
State of Maharashtra Vs. Satish Balu Sonawane**ORDER BELOW EXH.61**

01. The present application is filed by applicant namely **Ganesh Sonaji Sawandkar** to release his Activa 6G DLX of Honda Motorcycle and Scooter India Pvt. Ltd. Company, bearing Registration No. MH 20 GL 4272, Chasis No.ME4JF91ALNW452329, Engine No. JF91EW7452020 seized by the Waluj Police in connection with C.R.No.34/2024 under sections 5, 23, 25 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act. (hereinafter it is called as 'seized property').

02. Perused the application, say of I.O. In spite of sufficient opportunity, the Ld. A.P.P. has not filed the say, therefore, the application proceeded without say of the Ld. A.P.P.

03. Heard the Ld. Advocate for the applicant.

04. Perused the application and other documents on the record.

05. I.O. has filed his say at Exh. 62 and submitted that, the accused has committed the serious offence and the seized vehicle is seized from the custody of the accused. He used the said vehicle for keeping MTP kit in it which are used for illegal sex determination. He further submitted that if seized vehicle is return to the applicant, he would commit the similar offence by means of seized vehicle and there are also probability of changing the nature of the property and creating third party interest, therefore, the application be rejected.

06. Having gone through the application and the say filed by the I.O. It appears that, I.O. has seized property from the possession of accused. The applicant is the owner of the seized property. The charge-sheet is already filed before the Court on 27.07.2023. The investigation in reference to seized vehicle appears to be completed. Therefore, the seized property is no more required to I.O. for investigation.

07. After going through the documents filed on record it emerges that, applicant has filed verified copy of Certificate of Registration on record at Exh.68. The name of applicant is appearing on it. The applicant submitted that the seized property is at police station since long. If seized property is kept at police station for long period then the property would be destroyed, it would of no use. He requires seized property for his day to day work. Accordingly, submitted to allow his application on terms and conditions.

08. The documents referred above indicates that, the applicant is owner of seized property. No one has claimed the alleged property except the applicant. Therefore, I do not find any reason to reject the present application. Hence, I pass following order.

ORDER

1. The Muddemal property i.e. Activa 6G DLX of Honda Motorcycle and Scooter India Pvt. Ltd. Company, bearing Registration No.MH 20 GL 4272, Chasis No.ME4JF91ALNW452329, Engine No.JF91EW7452020 seized by the Waluj Police in connection with C.R.No.34/2024 under sections 5, 23, 25 of Pre-Conception And Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act, be returned to the applicant on indemnity bond of Rs.1,00,000/- (Rupees One Lakh Only).
2. The applicant shall give an undertaking that he shall not dispose off, alienate, create third party interest or change the nature of property till the final disposal of case.
3. The applicant shall also undertake that he shall produce the said property in the court, as and when required.
4. The Applicant is directed to produce the photograph of said property.

5. The Investigating Officer is directed to carry out detailed panchanama of said property before handing over the possession and handover the necessary documents in the Court.

6. Issue letter accordingly.

Date- 12/12/2024

(S. S. Agrawal)
Judicial Magistrate First Class,
Gangapur

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 Stenographer : Kailas S. Rasve.
Name of the Court : C.J.J.D & J.M.F.C.,
Gangapur (Dist. A'bad)
Date of Order : 12/12/2024
Order signed by the : 12/12/2024
presiding Officer on
Order upload on : 12/12/2024