

MHAU110000922020



ORDER PASSED IN CRIM.A.NO.22/2020

CR.No. I-18/2019 (Phulambri Police Station)

1. This application is filed under Section 457 of the Code of Criminal Procedure.
2. Applicant prayed to release the LPK TIPPER bearing No. MH 21 X 7070 which was seized by the Phulambri police station in above crime.
3. The applicant has come with the case that he is a possessor and owner of the above vehicle. He used it for business purpose. If it kept idle in police station. Then chances of the damage could not be ruled out.
4. Notice was issued to the I.O. He filed his say. According to them, if the said seized vehicle is released, it will be again used for the said crime therefore, he prayed for passing appropriate order after verifying documents of the vehicle.
5. Heard for both the sides. I have gone through the affidavit at Exh.3 and 5 filed in support of the application. The applicant has filed verified copy of R.C. Book as well as his Addhar card copy of agreement deed to prove his possession, ownership, identity. All documents shows that the present applicant is the owner and possessor of the vehicle.
6. The Hon. Supreme Court in case of Sunderbhai Ambala Desai V/s. State of Gujrat, reported in A.I.R., 2003, S.C.,1638, has held that the vehicles will have to be released and there is no reason to keep them in police station. Having considered the fact that the applicant is a registered owner of the vehicle therefore, I pass the following conditional order.

ORDER

1. Application is allowed.
2. **LPK TIPPER bearing No. MH 21 X 7070**, be released in favour of

applicant on executing indemnity bond of Rs.15,00,000/- on stamp of Rs.200/-.

3. Applicant shall file surety of Rs.15,000/-
4. The indemnity bond be executed before the I.O. Who shall produce it along with the charge sheet.
5. The applicant shall produce the vehicle as and when required by the court in respect of the case. He shall not transfer the ownership till disposal of the case.
6. Applicant shall not make material changes in the appearance of the vehicle.
7. I. O. is directed to obtain residential, identity proof of applicant, along with the one photograph of seized vehicle while releasing the same.

Date :- 21-01-2020
Place :- Phulambri

(A. S. Chonde)
Judicial Magistrate F. C.,
Phulambri.

CERTIFICATE

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

Name of the Stenographer : Kailas Kachru Kale.

Court : C.J.J.D. & J.M.F.C. Court, Phulambri.

Date : 21.01.2020

Order signed by the

presiding officer on : 21.01.2020

Order uploaded on : 22.01.2020
