

**IN THE COURT OF THE JUDICIAL MAGISTRATE (F.C.)
30TH COURT, KURLA, MUMBAI.**

C.C.NO.3001305/MISC/2024

CR.No. 237/2024

ORDER BELOW EXH. 1

Perused the application, say filed by Investigating Officer & the learned Assistant Public Prosecutor.

2. Heard the learned Advocate Mr. Bhavesh Madrecha for the accused.

3. Upon such hearing and consideration, it appears that this application filed by the applicant under section 505 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of muddemal property contending that he is the owner of the vehicle i.e. TATA ACE XL BSIV bearing registration no. MH-01-CR-7891. He had given said tempo on rent to the accused to transport the material. But, the applicant was not aware about the fact that said tempo is going to used in commission of crime. Now, said tempo was seized by Matunga police station in connection of Cr.no.237/2024 from the accused and it is kept by Matunga Police in the police station in an idle situation since seizure of same. This vehicle is no more required to the police for further investigation. He required the same for his day to day transportation. Therefore, he filed present application.

4. The Investigating Officer has no objection to hand over the said vehicle to the applicant. On the other hand, the learned Assistant Public Prosecutor submits that appropriate order be passed.

5. The applicant has produced the copy of FIR, copy of registration certificate of vehicle and copy of Adhar card on record. These documents shows that the applicant is the owner of said vehicle. The prosecution has not stated or challenged about the same. It would be useless to keep the vehicle

idle at the police station. Said vehicle is not subject matter of alleged crime. Therefore, it will not be required during the trial. Hence, there will be no hurdle to return the claimed muddemal property, as claimed. Therefore, the applicant is entitled to have its interim custody till the conclusion of trial. Hence, the application deserves to be allowed. Hence, the order.

ORDER

- 1 The application is allowed.
- 2 The Investigating Officer to hand over the TATA ACE XL BSIV bearing registration no. MH-01-CR-7891 seized by Matunga Police in Crime No.237/2024 of Matunga Police Station to applicant namely, **Iqrar Abdul Ansari** on Supurtnama on following conditions :-
 - a The applicant shall not alienate or dispose of and change the nature the above said property in any manner till the conclusion of trial, without permission of the Court and shall produce it as and when required by the Court.
 - b The applicant shall execute indemnity bond of Rs.2,80,000/- before the Investigating Officer.
 - c The Investigating Officer to prepare detail panchnama of the seized property before releasing it, in favour of the applicant and to take its photos from various angles counter signed by the applicant. The applicant to bear the cost of photography.
 - d The I.O. is directed to attach all papers to the final report, if any.
 - e Intimate the concerned police station accordingly.


(Santosh H. Garad)

Judicial Magistrate (F.C.)
30th Court, Kurla, Mumbai.

Date : 14/02/2025
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