

IN THE COURT OF SESSIONS JUDGE, BHANDARA

SESSIONS TRIAL NO. 84/2022

ORDER BELOW EXH.10

(Passed on 5th November 2022)

1] Applicant/mother of the victim has filed the instant application under section 457 of the Code of Criminal Procedure, for getting custody of the seized muddemal property viz. Motorcycle i.e. Hero Motocorp Passion Pro bearing registration No. MH-36/N-9557, having Chassis No.MBLHA10EWBHL01387 and Engine No.HA10EDBHL01281, which is seized by Police Station Tumsar, in Crime No. 212/2022, under Sections 302, 201, 34 the the Indian Penal Code R/w Section 4/25 of the Indian Arms Act.

2] The applicant has contended that, in the present matter the vehicle has been shown seized from the spot where the victim was brutally murdered by the accused. Learned advocate submitted that, the investigation is completed in the matter and the charge-sheet has been filed in the Court. Learned advocate submitted that, the applicant had purchased the said vehicle for her son. Learned advocate further submitted that, if the said vehicle is remained in the Police Station in idle condition, then it may sustain certain damages and further submitted that, the applicant is ready to abide the conditions that may be imposed by the Court and prayed for interim custody of

the vehicle during pendency of the matter.

3] Learned A.P.P. filed say at Exh.14 and submitted that, considering the time for deciding the matter the vehicle can be released on supurtnama to the applicant.

4] Upon hearing learned advocates and upon perusal of charge-sheet, it appears that vehicle has been shown recovered from the spot of the crime during the course of investigation. On perusal of R. C. Book, it appears that applicant is registered owner of the seized vehicle. Furthermore, applicant is ready to abide the conditions, which will be imposed by the Court. Under such circumstances, if interim custody of the seized vehicle is given to the applicant on certain conditions, then it would meet the ends of justice. Hence order.

ORDER

1] Application Exh.10 is hereby allowed.

2] Seized muddemal property Motorcycle i.e. Hero Motocorp Passion Pro bearing registration No. MH-36/N-9557, having Chassis No. MBLHA10EWBHL01387 and Engine No.HA10EDBHL0128, which is seized by Police Station Tumsar, in Crime No. 212/2022, under Sections 302, 201, 34 of the Indian Penal Code R/w Section 4/25 of the Indian Arms Act be returned to applicant **Sushila Wd/o Shivshankar Gurve**, on verification of her identity on her executing indemnity bond of Rs.40,000/- on the following conditions :

- i) Applicant shall not sell, mortgage or dispose of the said vehicle, in any manner,
- ii) Applicant shall not change the nature of the said

vehicle,

iii) Applicant shall produce the said vehicle as and when so ordered by the court,

3] Incharge of Police Station Tumsar, is directed to return the said vehicle to the applicant by taking photographs of the same and after preparing detailed panchanama of the vehicle and after getting the compliance of indemnity bond from the petitioner with the conditions imposed on her in clause No.2 of this order and submit the documents in this Court in Crime No.212/2022 at the earliest and submit the necessary compliance documents to the Court at the earliest.

4] Application is accordingly disposed of.

(Directly dictated in open court on the office computer)

Date : 05-11-2022.

(R. G. Asmar)
Sessions Judge,
Bhandara.

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	M. S. Danao
Name of the Court	Sessions Judge, Bhandara.
Date of Dictation	05-11-2022.
Order signed by the P.O. on	05-11-2022.
Order uploaded on	05-11-2022.