

Mohan Aananda Ganorkar

...Applicant

Vs.

State of Maharashtra,
Through Police Station Shegaon Rural.

...Non-applicant

ORDER BELOW EXH. 115

(Passed on 21/03/2025)

The instant application is filed by the applicant under section 451 of Criminal Procedure Code for releasing Bolero Pick-up vehicle bearing registration No. MH.-28-B.B.-5783 Chasis No. MA1ZN2TNKN6K37939 and Engine No.TNN4K85465 and Bajaj Platina motorcycle bearing registration No. MH.-28-B.U.-0664 Chasis No. MD2B77AX6PWK11522 and Engine No.PFXWNJ26720 seized in Crime No. 105/2023 for the offence P/u/s. 406, 409, 420, 506, 507 and 120(B) of IPC registered at Police Station, Shegaon Rural.

2. It is the contention of the applicant that he is the owner of above mentioned four wheeler and two wheeler. Police Station Shegaon Rural has seized above mentioned four wheeler and two wheeler in crime no. 105/2023 for the offence punishable under section 406, 409, 420, 506, 507 and 120(B). The four wheeler and two wheeler seized by the police has a no connection with the alleged offence. The applicant has filed the ownership documents on record. The possibility of the damage to the vehicles cannot be ruled out if it remains idle in the premises of Shegaon Rural Police Station. The applicant is ready to abide by any conditions to be imposed by this court while releasing the vehicles on Supurtnama. Hence, applicant prayed for allowing the application.

3. Ld. APP strongly opposed the application and submitted that the vehicles have been seized in the economic offence. Contention made in the application are false. The said vehicle was purchased on 26.04.2023 as mentioned in the R.C. Book which was not filed on record. The said vehicle has been purchased by the accused No. 1 in the name of other

accused out of proceeds of crime by deceiving the farmers. Ld. APP further submitted that all the supurtnama have already been rejected by the predecessor of this court. Hence, Ld. APP prayed for rejection of the application.

4. Heard Ld. counsel for applicant and Ld. APP. Perused the document filed in support of the claim and affidavit sworn before the court by applicant. It appears that applicant is the owner of the seized vehicle which is duly reflected from document filed by the applicant. However, it has been alleged by the prosecution that accused No. 1 has purchased the said vehicle in the name of other accused from the money which accused No. 1 has received by deceiving the various farmers in Shegaon Tahsil. It also appears that the said vehicle was purchased during the period from 2022 to 2023 when alleged offence in the instant case took place. Prima facie it appears that the vehicle which sought to be released by the applicant who is a accused No. 5 in the instant case was proceed of the crime. Although, the charge sheet has been filed in this case and investigation has been completed in respect of the vehicle but those vehicles appears to be purchased from the proceed of the crime. Hence, in the instant case the ratio laid down by Hon'ble Apex Court in the case of "**Sundarbhai Ambalal Desai Vs. State of Gujrat, 2002(9) SCALE 153**" is not applicable to the present case. In view of above reason I am not inclined to allow this application and proceed to pass following order.

ORDER

Application stands rejected.

Dt. 21/03/2025

(N. D. Meshram)
Judicial Magistrate F.C.,
Shegaon.

I, *P. K. Ingle*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the original Order.