

Order Passed Below Exh13

The present application is filed by Sagar Shivaji Kharapas Jr. Engineer, PWD for granting temporary custody of the vehicle i.e. road roller bearing No. DDRNO 417 which is seized by Police station, **Raipur** in Crime No.113/2023. The applicant has contended that the value of the said vehicle is worth Rs.30,000/-(Rupees Thirty Thousand only). The seized vehicle is owned by PWD. The applicant is ready to abide by the conditions imposed by the Court. Hence, applicant has prayed for release of the vehicle.

02. A say of investigating officer and Ld. A.P.P. was called.

03. Investigating officer has submitted that the said road roller was stolen from the PWD office, Buldana. The I.O. has seized two pieces of road roller. I.O. has submitted that he has no objection for release of the same upon certain conditions.

04. Learned A.P.P. has submitted that the applicant is the informant the applicant is found to be lawful possession of the road roller, suitable order be passed.

05. The police claimed to have seized the vehicle i.e. two pieces of road roller bearing no. DDRNO 417 in connection with the Crime No.113/2023 for the offence

punishable u/Sec. 379 of the Indian Penal Code registered with **Raipur** police station.

06. The applicant has claimed himself to be entitled to the seized road roller DDRNO 417. The applicant has relied on a copy of office record, copy of Adhar card, On perusal of the same, it appears that the the seized vehicles, muddemal is owned by PWD and the applicant would be entitled to temporary custody of the seized vehicle on behalf of PWD.

07. The authority of **Sunderbhai Ambalal Desai Vs. State of Gujrat, AIR2003SC638** provides for direction to pass immediate and appropriate order for the disposal of the seized article for the vehicles etc. instead of keeping them for a long time at the police station.

8. If the said vehicle remained in the custody of the police, then there is possibility of junk and will be of no use. Hence, it would be just and proper to hand over the same to applicant on certain conditions. Thus, the following order.

ORDER

1. The application is allowed.
2. The vehicle i.e. road roller DDRNO 417 which is seized by Police station **Raipur** in Crime No. 113/2023 be given in interim custody of the registered owner (PSD's authorised person/applicant) on executing the indemnity

bond of Rs.30,000/- (Rupees Thirty Thousand only)
before I. O. on the following conditions:

A) The registered owner shall produce the two latest coloured self-attested photographs of the said vehicle taken from closed view from two different angles at his own expense, to the officer in charge of Raipur Police Station for the identification of the vehicle. The police officer shall facilitate such photography.

B) The officer in charge of **Raipur** Police Station shall upon receiving such photographs shall counter sign the same and prepare a possession receipt cum panchanama after verifying original identity proof of the applicant, handover custody of the seized vehicle i.e. road roller to the applicant and forward the photographs and the possession receipt forthwith.

C) The registered owner shall keep the said vehicle in identifiable condition and shall not change the original structure of said vehicle.

D) The registered owner shall not sale, create any charge over the said vehicle till disposal of crime No.113/2023.

E) The registered owner shall produce the said vehicle as and when necessary in the concern Police Station or in the Court or as per directions of any other competent authority.

F) The papers of this proceeding, Indemnity Bond, Possession receipt cum Panchanama be kept in charge-sheet of the Crime No.113/2023 of Police Station **Raipur**.

G) Applicant shall submit the documents of the vehicle to the investigating officer in C.R.No. 113/2023 registered with police station **Raipur** if required by investigating officer.

Place: Chikhali
Date: 26.10.2023

(P.R. Kulkarni)
Judicial Magistrate F.C.
Chikhali

CERTIFICATE

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original order.		
Name of the Stenographer	:	S.B. Deshpande
Name of the Court	:	J.M.F.C. Court, Chikhali