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MHDH050002062026



CRIMINAL M.A. NO. 37/2026

SAMEERKHAN SAIDKHAN KURESHI

V/S. STATE

ORDER BELOW EXH. - 1

(Delivered on 09th March, 2026)

1. This is an application under Section 503 of Bhartiya Nagrik Suraksha Sanhita, 2023 to get custody of Mahindra and Mahindra Ltd., Bolero Camper SCXL vehicle bearing Registration No. MH-43-BB-0496 (for short '**the said vehicle**').
2. The applicant has submitted that he is owner of the said vehicle, bearing Chassis No. MA1ZN2GHKF1K80215 and Engine No. GHF1K58585 which is seized by the Pimpalner police in connection with Crime No. 17/2026.
3. It is further submitted that, applicant is the legal owner and possessor of the said vehicle. The said vehicle has been seized by the investigating officer. If the applicant does not get possession of the seized vehicle soon, the applicant will face a huge financial crisis. The livelihood of the applicant and his family depends on the said seized vehicle. Also, the applicant undertakes not to sell, lease and make any change in it. Hence, the applicant prayed for granting the interim custody of said vehicle on appropriate bond.
4. Called say of Investigating Officer and Ld. A.P.P. The say of Investigating Officer is at Exh. 5. Investigating Officer submitted that the driver of the said vehicle was found

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transporting animals in a cruel manner and the said vehicle has been seized for investigation in this regard, but if the said vehicle is released possibility to commit same kind offence in future cannot be ruled out and it is requested that the Hon'ble Court pass an appropriate order in this regard on conditions.

5. Learned APP also filed his say and opposed the very application contending that, the seized vehicle has been found illegally transporting animals. If the said vehicle is released, the possibility to commit same kind of offence in future cannot be ruled out. The applicant will not produce the said vehicle for investigation and the possibility of changing its color and appearance cannot be ruled out. In view of the provisions of the said Act, the said vehicle should be frozen for the safety of cattle rearing and medical personnel. Therefore, he has prayed to reject the application.

6. Below Exh. 3 the applicant has filed documents as follows.

1. Copy of FIR.
2. Verified copy of Vehicle Registration Certificate
3. Copy of Insurance policy
4. Verified copy Aadhar Card of the applicant.
5. Verified copy of notary Vehicle sales receipt

7. Investigation of the present crime is in progress. However, Section 503 is clear regarding seizure of property by the police. The owner of the property can claim possession of the vehicle. In such circumstances magistrate may order

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property to be delivered to the owner on such condition if he thinks fit. Considering ratio laid down in “Sundarbhai Ambalal Desai Vs State of Gujarat reported in AIR 2001(SC) 638” it is not desirable to keep the seized vehicle in custody.

8. Vehicle Registration Certificate of vehicle shows that the Shaikh Manjur Shaikh Shakil Kureshi is registered owner of the said vehicle. Applicant has filed on record a verified copy of notary sale purchase receipt, which shows that the applicant has purchased the said vehicle from Shaikh Manjur Shaikh Shakil Kureshi. Also, none without applicant has claimed custody of said vehicle yet. Considering nature of the offence, I am of the opinion that the custody of the said vehicle is not required with the Police Station, Pimpalner. If, the said vehicle is kept lying at police station, then there is every possibility that for want of lubrication and use of it, the mechanical parts of the said vehicle supposed to be damaged and it will cause loss to the applicant. The apprehension shown by the IO and APP may be safeguarded by imposing certain stringent conditions so that the said vehicle may be produced by the applicant at the time of trial as and when it will be directed by the Court. Therefore, I am of the opinion that there is no hurdle in allowing the application, subject to conditions. Therefore, I pass following order :-

:: O R D E R ::

1. The applicant to give indemnity bond of Rs. 2,00,000/- (Rs. Two Lakh only) undertaking thereby not to sell, mortgage or change nature, colour of the said vehicle

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bearing Registration No. **MH-43-BB-0496**, Chassis No. **MA1ZN2GHKF1K80215** and Engine No. **GHF1K58585**, till disposal of case, arising out of CR No. 17/2026.

2. The applicant has also to undertake in the above indemnity bond to produce the said vehicle, as and when directed by this Court or Police Station, Pimpalner till disposal of the case, arising out of CR No. 17/2026.
3. Before giving interim custody of the said vehicle Investigating Officer or the Police Station Officer, Pimpalner Police Station shall take sufficient photographs of the above said vehicle from every corner and submit it with the final report.
4. The applicant is directed to not to use the said seized vehicle in any further crime.
5. The PSO, Pimpalner is directed to prepare detail panchanama of handing over the said vehicle to the applicant by complying with the order strictly and submit the same along with charge sheet arising out of CR No. 17/2026.
6. Accordingly, writ be issued to the concerned police station.

Date : 09.03.2026
Sakri.

SD/-
(Milind R. Gadhave)
Judicial Magistrate, F.C., Sakri
(Court No.- 2)

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:- CERTIFICATE:-

I certify that the contents of this PDF File are word to word as per Original Judgment /Order .

Name of the Steno :- H.B.Pile

Name of the Court :- C.J.J.D. & J.M.F.C., Sakri.

PDF Uploading Date :- 10.03.2026

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Stenographer(III).