

MHGA010002572022



IN THE COURT OF SESSIONS AT GADCHIROLI

(Presided over by Shri. Uttam M. Mudholkar)

(Additional Sessions Judge)

Sessions Case No. 37/2022

Nitesh Laikdas Meshram

Age 22 yrs., Occp. Education,
R/o. Deulgaon Butti,
Tah. Armori, District – Gadchiroli.
Through his Power of Attorney

Laikdas Vyankaji Meshram

Age 46 yrs., Occp. Agriculturist,
R/o. Deulgaon Butti,
Tah. Armori, District – Gadchiroli.

...Applicant

V/s.

State of Maharashtra

through P.S. Gadchiroli,
Tah. & District - Gadchiroli

...Respondent

Ld. Advocate Shri. N.U. Lodalliwar for the applicant
Ld. P.P. Shri A.S. Pradhan for the State/ Respondent

ORAL ORDER below Exh. 8

(Passed on 08.09.2022)

1. By the present application, the applicant has applied for return of his motorcycle Hero HF Delux bearing No. MH-33/Y-6322, which came to be seized at the time of arrest

of the accused in connection with Sessions Case No.37/2022 arising out of C.R. No. 1052/2021 for the offences under Sections 302, 380, 120-B, 460 r/w Sec. 34 of the Indian Penal Code (For short "IPC"), registered at Gadchiroli Police Station of Gadchiroli district. Applicant has filed the present application through his power of attorney by name Laikdas, who appears to be his father.

2. It is contended that the accused was arrested and the above two wheeler was seized in connection with the above crime. No purpose is going to be served by keeping the two wheeler in the custody of Police Station. He is the authorised owner of the motorcycle and as such entitle for interim custody. On these grounds, it is prayed that the above-mentioned seized two wheeler in the present case be returned to him by putting necessary conditions.

3. The State through P.P. Shri A.S. Pradhan has filed his reply below Exh.13. It is contended that the two wheeler has been seized in connection with the crime registered under the offence of I.P.C. As such, rejection of the application has been prayed.

4. Heard Adv. Shri N.U. Lodalliwar for applicant & Learned P.P. Shri A.S. Pradhan for the respondent/State and submissions of both sides were nothing but replica of the contents of the application and reply. I have carefully gone through the record and submissions.

5. The perusal of the record would demonstrate the copy of RC Book of the two wheeler Hero HF Delux bearing No. MH-33/Y-6322 has been placed on record by the applicant and it

goes to show that the two wheeler in question is registered as a registered owner in his name. The respondent also does not seriously dispute the ownership of the applicant towards the vehicle. Admittedly, the two wheeler came to be seized by the investigation officer in connection with the said crime. The final decision of the matter on merit may take sufficient time. Meanwhile, if the vehicle is not returned by way of interim custody to the applicant, then it may sustain damage due to non-use and will cause financial loss to the applicant. Having regard to the total circumstances of the case, it appears to this Court that simply because the two wheeler is involved in the case of 302 of IPC the prayer for interim custody of the vehicle cannot be rejected. Even otherwise, no purpose of any nature is going to be served by retaining custody of the two wheeler with the investigation agency. No prejudice will be caused either to the investigation agency or prosecution, if the application is allowed and his two wheeler is returned to the applicant for temporary period. Therefore, the application deserves to be allowed, conditionally in the following terms:

ORDER

- 1] Application Exh.8 is hereby allowed as under:
- 2] The authority of Gadchiroli Police Station is directed to hand over interim custody of the two wheeler Hero HF Delux bearing No. MH-33/Y-6322 to the applicant/accused **Nitesh Laikdas Meshram or his POA Laikdas Vyankaji Meshram** under the execution of *supurnama* bond to the tune of Rs.50,000/- (Rs. Fifty Thousand Only) by the applicant or his

POA and by preparing necessary panchanama and obtaining required acknowledgement from him and taking colour photograph of the same at the cost of applicant or his POA.

3] The applicant/POA shall not create third party interest in any way in respect of the said two wheeler and shall produce the same in the Court particularly at the time of trial and as & when required by this Court and shall not use the same for any illegal activity.

4] Application stands disposed of accordingly.

Date : 08.09.2022

(U.M. Mudholkar)
Additional Sessions Judge,
Gadchiroli