

MHGA030011172024



In the Court of 2nd Judicial Magistrate First Class, Gadchiroli
(Presided over by Smt. V. R. Malode)

S.C.C. No.634/2024

State of Maharashtra

... Complainant

Versus

Saurabh Biresh Sen

... Accused

ORDER BELOW EXH. 04
(Passed on 28/03/2025)

This is an application filed by applicant under BNSS for releasing the seized vehicle i.e. Hero Passion pro (herein after referred as seized vehicle) bearing registration no. MH 33 AB 0610 of registered in the name of Applicant Sushmita Avinash Chaudhari. The said vehicle seized by Police Station, Gadchiroli for the offence punishable u/s. 65 (A) & 98 (K) of Maharashtra Prohibition Act against accused as crime no. 408/2024. in support of the present application the applicant has filed documents on record.

2. The applicant contended that, she is the owner of seized

vehicle. She is ready to abide all conditions imposed by the Court. Hence, prayed for release of seized vehicle.

3. I.O. and Ld. APP opposed the application on the ground that, if seized vehicle be release, the accused may commit similar offence again. Hence, prayed for rejection of instant application.

4. Perused the record. The list of document filed below Exh. 06 and Exh. 14 and 15 by the applicant. Those documents are copy of the Aadhar card of the applicant, copy of marriage certificate, copy of Vehicle particular and insurance copy of the seized vehicle which shows ownership of the applicant on seized vehicle. The accused stated his no objection on release of seized vehicle in favour of the applicant. From copy of marriage Certificate it appears that, the name of applicant became as Sushmita Rajendra Latelwar after her marriage and prior to her marriage her name was Sushmita Avinash Chaudhari. It means both are name of the same applicant.

5. Upon perusal of the documents on the record, prima facie it appears that the seized vehicle is owned by the applicant and she is owner of it. From the above said document it appears that, the said vehicle in question has been owned by the applicant Sushmita Avinash Chaudhari. In my view, there is no need of keeping the seized vehicle in the P.S. Gadchiroli. Moreover,

necessary conditions as to maintenance and care of the seized vehicle, with directions to produce the vehicle in the Court as and when required, directed by the Court can be imposed while releasing the vehicle on Supratnama. It is also pertinent to note that, the applicant is not named as accused. Hence, I inclined to handover interim custody of the said vehicle in question to the applicant.

6. Under these circumstances, no purpose will suffice by denying the release of the seized vehicle to the applicant and depriving her from enjoying right of using the vehicle. Therefore, I am inclined to allow the application with certain conditions. Hence, the order-

ORDER

1. The application is allowed.
2. The applicant is directed to execute an Indemnity Bond before Police Station of Rs. 1,00,000/- (Rs. One lakh only) for the release of the Hero Passion pro motor cycle bearing registration no. MH 33 AB 0610 on following conditions as to :-
 - A) The applicant shall produce the seized vehicle as and when directed or required by this Court.
 - B) The applicant shall take due care for the maintenance of the said vehicle.
 - C) The applicant shall not transfer the vehicle or create any third party interest in the same and

shall not alienate the seized vehicle in any way.

- D) She shall not change colour and nature of the said vehicle.
- E) She shall not commit any offence by using this vehicle.

3. The concerned I.O. to takes photographs of the vehicle in the presence of applicant and draw panchnama before releasing the same.
4. Inform the concerned P.S. accordingly. The P.S. Gadchiroli is directed to give interim custody of above mentioned said vehicle to the applicant.

Place : Gadchiroli
Date : 28/03/2025

(V. R. Malode)
Judicial Magistrate First Class,
Gadchiroli