


**Sairam Ramgirwar X State**

MHGA13-000369-2025 	Presented on	:	24/09/2025
	Registered on	:	24/09/2025
	Decided on	:	16/05/2026
	Duration	:	Yr. Ms. Ds 00 07 23
	Exhibit No. 7		

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AHERI,  
DISRICT GADCHIROLI.**

**(Presided over by Shardaprasad S. Oza)**

**Criminal Revision Application No. 5/2025**

**Sairam Suresh Ramgirwar**

Aged about 28 years,

Occupation : Business,

R/o. Prabhag No.7, Aheri,

Tahsil : Aheri, District : Gadchiroli

.. **Appellant**

**-Versus-**

**State of Maharashtra**

Police Station Officer,

Police Station, Aheri,

District : Gadchiroli

.. **Respondent**

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Shri. U.S. Galbale, Learned Advocate for the Appellant

Shri. A.R. Masram, Learned Additional Public Prosecutor  
for Respondent/State  
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**Criminal Revision Under Section 438 R/w 440 of the Bharatiya  
Nagarik Suraksha Sanhita**

**JUDGMENT**

(Delivered on 16<sup>th</sup> day of May, 2026)

1. Being aggrieved by the order dated 26.08.2025 passed below Exh.1 in Misc. Cri. Appln. No. 96/2025, whereby the learned Judicial Magistrate First Class, Aheri, rejected the application for release of Tata Sumo Gold bearing No. MH-33/T-1808 on Supratnama, the applicant preferred this revision application to challenge the correctness, legality and propriety of the order passed by the learned Judicial Magistrate First Class, Aheri
2. Applicant has challenged the impugned order on the following grounds amongst others :-
  - a. that the impugned order is illegal, perverse and unjust.
  - b. The learned trial Court erred in holding that the application is devoid of merits.
  - c. The learned trial Court erred in holding that the seized Tata Sumo cannot be released unless sufficient security is being obtained from the applicant.

- d. The learned trial Court erred in holding that the applicant has not complied with the directions of the Court.
- e. The learned trial Court ought to have seen that the applicant has obtained the insurance copy of said Tata Sumo and tried to file the same on record.
- f. The learned trial Court ought to have seen that the applicant is the registered owner of the said Tata Sumo.
- g. The learned trial Court ought to have seen that the applicant sought the relief of interim custody of the said Tata Sumo.
- h. The learned trial Court ought to have seen that unless the Court finds that the accused is guilty, no final disposal of the vehicle as ordered as per the judgment of the Hon'ble Apex Court in case of **Jayprakash -v- National Insurance**.
- i. The learned trial Court failed to appreciate the factual matrix of provision of Section 503 of BNSS.

Hence, the appellant prayed to set aside the impugned order and allowed the revision application.

- 3. The prosecution strongly opposed the revision application by filing say at Exh.6. According to the prosecution, Tata

Sumo Gold bearing No. MH-33/T-1808 was seized for the offence punishable under Sections 281, 125(b), 106(1), 238(c) of BNS and Sections 184, 134(A)(B) of M.V. Act. The appellant by driving this Tata Sumo in rash and negligent manner gave dash to one Ashok Bappu Gaddewar, who died during the treatment. Even prosecution raised the ground that after the accident, the appellant has changed the some parts of the said Tata Sumo. Thus, he destroyed the evidence and accordingly, added the section. Investigation is completed and charge-sheet is filed on 19.11.2025. At the time of accident, said Tata Sumo was not insured. Hence, prayed for passing necessary order.

4. Heard Adv. Shri. U.S. Galbale, the learned counsel for the appellant and Shri. A.R. Masram, the learned APP for the prosecution. Perused the impugned order and material on record.
5. From the rival submissions of both the parties, the following points arise for my consideration and determination and I have recorded my findings thereunder :-

Sr.No.	Points	Findings
1.	Whether the impugned order correct, legal and proper ?	Partly No
2.	What Order?	As per final order.

### REASONS

#### As to Point No. 1 :-

6. From the impugned order, it reveals that the learned trial Court rejected the application for release of Tata Sumo Gold on 26.08.2025 on the basis of the judgment of the Hon'ble Apex Court in case of **Jayprakash -v- National Insurance Company (2010) 2 SCC 607**. The learned trial Court rejected the supratnama application by observing that in view of the directions given by the Hon'ble Supreme Court, "claimed cannot be released unless the sufficient security is being obtained from the applicant" and accordingly, rejected the application and directed to investigating officer to comply the direction of Hon'ble Apex Court in the case of **Jayprakash -v- National Insurance Company (2010) 2 SCC 607**.
7. Adv. Shri. U.S. Galbale, the learned counsel for the

applicant, family argued that on the date of alleged accident, said Tata Sumo Gold was not duly insured. He submitted that later on the appellant has got insured the said Tata Sumo. He has placed on record the copy of certificate of Insurance policy. From the said certificate of policy, it reveals that said Tata Sumo Gold was later on insured and its validity period is since 11.09.2025 to 10.09.2026. From the copy of FIR, it reveals that the said accident occurred on 22.06.2025. Thus, on the date of the accident, said Tata Sumo Gold was not duly insured. Therefore, in view of the judgment of the Hon'ble Apex Court in **Jayprakash** cited supra unless and until the appellant is not deposit an amount or security to satisfy the compensation amount to satisfied in application filed by the legal heir of the deceased, the said Tata Sumo cannot be released on supratnama.

8. Nothing on before this Court to show that the legal heirs of deceased filed any motor accident claim petition or how many depended. However, from the FIR, it reveals that the deceased was working as an Operator in the Rice Mill of one Shrikant Maddiwar and at the time of accident was 55 years old. If we take into consideration the notional income of Rs.12,000/- per month and in absence

of numbers of legal heir or depended, after deduction of Rs.3,000/- per month towards the personal expenses of the deceased, tentative loss of income would arise Rs.9,000/- per month. And if we applied the multiplication of 11 as per the judgment of **Sarla Varma - v- Delhi Transport (2009) 6 SCC 121** and added future prospect of 10% in the said amount as per the Constitution Bench judgment in the case of **National Insurance Company Ltd. -v- Pranay Setti** reported in **2017 INSS 1068**, the tentative compensation amount would arise Rs.15 lac by considering the compensation under the other heads. Therefore, the said Tata Sumo Gold cannot be released unless and until the appellant furnish bank guarantee or deposit cash amount of Rs.15 lac before the learned trial Court.

9. Thus, overall, it reveals that the learned trial Court has rightly observed while rejecting the application but he ought to have given opportunity to the applicant to deposit security or cash deposit and if the appellant failed to deposit said security or cash deposit, then to reject the application or at least ought to have allow with condition to deposit the security or cash deposit. In view of this fact straightway rejection of application is not correct, legal

and proper as per the above referred judgment and facts before the Trial Court. Hence, I answer Point No. 1 in the negative.

**As to Point No. 2 :-**

10. In view of my negative finding on point No.1, revision application deserves to be allowed with conditions. Hence, I proceed to pass the following order.

**ORDER**

1. Criminal Revision Application No.5/2025 is allowed and accordingly the impugned order dated 26.08.2025 is set aside.
2. Seized Tata Sumo Gold bearing No. MH-33/T-1808 be released on supratnama on furnishing bank guarantee or depositing cash surety of Rs.15,00,000/- (Rupees Fifteen lac only) by the appellant in the trial Court.
3. If the appellant furnishes bank guarantee or deposit cash surety of Rs.15,00,000/- (Rupees Fifteen lac only), the seized vehicle be released on the following conditions :-
  - i. The appellant shall not change the nature of said Tata Sumo in any manner whatsoever till

completion of trial.

- ii. The appellant shall not sell, mortgage or transfer said Tata Sumo without permission of the Court during trial.
- iii. The appellant shall produce said Tata Sumo before the Court or investigating officer during the course of enquiry or trial required either by I.O. or by this Court.
- iv. Panchanama of the said Tata Sumo noting details thereof be prepared before returning it to the appellant.
- v. The appellant is also directed to submit verified copies of Registration Certificate and Insurance Policy of said Tata Sumo to Investigating Officer. The appellant is also directed to show the original of said documents to Investigating Officer for verification.

(The judgment is dictated and delivered in open Court.)

Aheri.  
Date – 16.05.2026

(**Shardaprasad S. Oza**)  
Additional Sessions Judge,  
Aheri.

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**Certificate**

I affirm that the contents of this Scan file Order is same word to word as per the original order.

- a) Name of the Stenographer :- Ramesh B. Chandekar  
Stenographer Grade -1.
- b) Court :- Special Judge (Atrocities  
Act), Aheri, District Gadchiroli.
- c) Judgment dictated on dias. :- 16/05/2026
- d) Judgment signed & checked by P.O. :- 16/05/2026
- e) Judgment uploaded on :- 16/05/2026