

MHJG140003602026



ORDER BELOW EXH.1 IN Cri.M.A.No.30/2026

Aaba Koli Vs. State

This is an application under Section 503 of BNSS

2. Applicant submits that, applicant is the registered owner of tractor bearing registration No.MH-19-CU-5987. The said vehicles seized by the Dharangaon Police Station in Crime No.133/2026 under section 303(2) of B.N.S., section 21 of Mines and Minerals (Deovlopment and Regulation) Act, section 48 (7)(8) of Land Aquisition Code and section 130, 177 of M.V.Act. The said tractor is lying stationary in the police station. The tractor is likely to be damaged if kept lying for indefinite period in the police station. Therefore, interim custody be given to the applicant.

3. Say of A.P.P. as well as Investigation Officer was called. The A.P.P. submitted that, if claimed vehicle is released on bond possibility of same being used in similar nature of offences can not be ruled out. Further there is possibility to change the color and nature of the vehicle. Hence, APP as prayed for rejection of this application. The Investigation Officer has filed his say and submitted that the applicant has committed theft of sand. It is further submitted that, if seized vehicle is released in favour of the applicant then there is the possibility of selling and tampering with the seized vehicle. So also, applicant may use the vehicle in similar offences. It is further submitted that, the applicant has not produced any document to show by which contra he had given the said tractor to the accused. Hence, I.O.

prayed for rejection of the application.

4. I have heard the submissions of learned advocate for the applicant and learned A.P.P.

5. Applicant has produced on record a verified copy of registration certificate of the said tractor bearing registration No. MH-19-CU-5987 which shows that the applicant is the owner of the seized tractor. The accused has also filed his affidavit Exh.7 stating that he has no objection to release the seized vehicle on supurtnama in favour of its owner. Further, A.P.P. and Investigating officer have not disputed ownership of applicant regarding the seized vehicle. As per settled law when there is no dispute about the ownership of the seized muddemal it is desirable to return it to registered owner. There is no claimant except the applicant.

06. Considering the facts and nature of the offence I am of the view that, the said vehicles are no more required for the investigation purpose. If the vehicle allowed to be retained at the police station without any care and subjected to rain and sun, its condition will deteriorate. The ratio laid down in the case of *Sundarbhai Ambalal Desai Vs. State of Gujrat reported in AIR2003, SC 638* will have to be kept in mind. Hence, considering the above discussed aspects, in my considered view, the applicant is entitled for interim custody of vehicles. Hence, I proceed to pass following order.

ORDER

(1) Application is allowed.

(2) The seized tractor bearing registration No.MH-19-CU-

5987 seized in Crime No.133/2026 under section 303(2) of B.N.S., section 21 of Mines and Minerals (Development and Regulation) Act, section 48 (7)(8) of Land Acquisition Code and section 130, 177 of M.V.Act, registered with Dharangaon Police Station be given in the interim custody of the applicant namely Aaba Ishwar Koli, on executing an indemnity bond of Rs.4,00,000/- .The vehicle be released in above terms on the following conditions.

- (a) He shall not alienate the said tractor by transfer, sale or by any other means.
- (b) He shall produce the said tractor as and when required by the Court during the trial.
- (c) He shall not change the color, nature of the said tractor.
- (3) Police officer is directed to prepare the condition panchnama of said tractor and take its photographs prior to release the same and counter signed by the applicant at applicant's cost and submit it on record.
- (4) Copy of this order be attached with remand paper/chargesheet.
- (5) Aforesaid order of released vehicle on Suparatnama shall be without prejudice to the powers of the Executive Magistrate to proceed pursuant to section 48 of the Mine and Minerals Act.

Place : Dharangaon
Date : 11/06/2026

(S.M. Qadri)
Judicial Magistrate (F.C.),
Dharangaon.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	:	G.S.Patil
Court	:	J.M.F.C.Dharangaon
Order Date	:	11/06/2026
Order signed by the	:	11/06/2026
Presiding Officer on	:	
Order uploaded on	:	11/06/2026