

MHJN010016412024



ORDR BELOW EXH.78 IN SESSIONS CASE No.155/2023
(State Vs. Gajanan & Ors.)

- 1] In the instant application, applicant sought the interim custody of the tractor-trolley bearing No. MH 21 BQ 4609.
- 2] Mr. S.G. Gawali, the ld. counsel for the applicant submitted that the aforesaid trolley has been seized in Bhokardan police station in C.R.No. 01/2023. Applicant is the owner of the aforesaid tractor trolley. Due to the force of nature, the tractor trolley may sustain damage. Its value will be diminished. Hence, he prayed that the interim custody of the aforesaid tractor trolley be handed over to the applicant.
- 3] Per contra, Mr. D.N.Kolhe, the learned APP for the State submitted that the aforesaid tractor trolley has been seized in serious offence. He will not produce the trolley as and when required by the court. Hence, she prayed that the application be rejected.
- 4] The police papers shows that applicant had executed agreement dated 05/04/2022 with accused Yogesh Haribhau More and handed over the tractor trolley bearing No MH 21 BQ 4609 to him immediately on rent. Said agreement is a notorized document. Applicant produced the vehicle particulars (Exh.80/1) and E-Free-receipt (Exh.80/2). It shows that the said tractor trolley stands in the

name of the applicant. Accused no. 2 also gave no objection for handing over the interim custody of trolley.

5] It is needless to say that the vehicle needs to be kept in motion, otherwise it sustains damage by the force of nature. No purpose will be served by keeping the tractor trolley in idle condition in the Police Station. Hence, I think it proper to hand over the interim custody of the tractor trolley to the applicant. In the result, I passed the following order.

ORDER

1. The application is allowed.
2. The PI./I.O. of Police Station Bhokardan is directed to handover the interim custody of Tractor Trolley bearing No.MH-21-BQ-4609 which is seized by Police Station Badnapur in C.R. No.1/2023 to the applicant Kailash Dadarao More on the following conditions-
 - (a) Applicant to give Indemnity Bond of Rs.5,00,000/- (Rs.five Lakh only) towards the concerned Investigating Officer.
 - (b) Four photos of the tractor trolley shall be taken at the cost of the applicant and also to take appropriate receipt from the photographer.
 - (c) I.O. shall prepare panchnama in detail while delivering the tractor trolley to the applicant.
 - (d) Applicant shall not to transfer, alienate or change the nature of the tractor trolley.
 - (e) Applicant shall produce the said tractor trolley as and when required by this court or higher court.
 - (f) I.O. shall file all the aforesaid documents alongwith the charge-sheet.

3. Issue intimation to the concerned Police Station accordingly.

Date: 24/06/2024

(S. R. Tamboli)
Addl. Sessions Judge,
Jalna.

Certificate

I affirm that, the content of this PDF file are word to word as per the original order.

Name of Steno : D.M.Gaikwad

Name of Court :- Addl. Sessions Judge, Jalna.

Date :- 01/07/2024.

Sd-
[D.M. Gaikwad]
Steno