

MHJN010029902025



ORDER BELOW EXH.19 IN SESSIONS CASE No.212/2025

[State of Maharashtra Vs. Sapna]

1. Applicant Sapna Santosh Nikalje, has filed this application under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking release of the Honda Shine 125 motorcycle bearing registration no. MH-28-CB-3664, on Supurtnama.
2. Perused application and say filed by the prosecution.
3. Heard, Shri.S.N.Kale, the learned Advocate for applicant as well as the learned A.P.P., Shri.B.K.Khandekar for the State. Heard, the Investigating Officer also.
4. The learned Advocate for applicant submitted that the motorcycle came to be seized in Crime No.366/2025 registered at Chandanzira police station for the offences punishable under Sections 309(4), 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 (here-in-after referred to as BNS). The learned Advocate contended that the motorcycle is lying at the police station and is getting deteriorated. He submits that applicant is the owner of the motorcycle and same be therefore released on Supurtnama on conditions as may found to be

suitable.

5. The learned A.P.P. submitted that the motorcycle was involved in the serious offence. If the seized motorcycle is released, there is possibility of tampering of evidence, commission of another offence of same nature. Therefore, he prayed for rejection of the application.

6. Considered the arguments. The applicant has produced the original R.C. book and it is verified and returned to her. The motorcycle particulars show that the concerned motorcycle is standing in her name with the R.T.O. The ownership is not disputed by the State. The motorcycle if is allowed lying at the police station, would be subjected to deterioration for want of proper facilities like warehouse for storage. In view of the directions of the Hon'ble Apex Court pertaining to release of valuable articles, currency notes, motorcycle etc., in **Sundarbhai Ambalal Desai vs. State of Gujrat**, AIR 2003 SC 638, the powers under Section 451 of Code of Criminal Procedure (now under section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023) have to be exercised expeditiously and judiciously. Owner of the article should not suffer because of its remaining unused or by its misappropriation and Court or the police would not be required to keep the article in safe custody. Hence, I find that the application can be allowed subject to conditions that the police shall hold a proper

panchanama before handing over the possession of the motorcycle and by taking its photographs from all angles so that the panchanama can be used in evidence instead of production of the motorcycle, the panchanama to satisfy the necessary details for identification of the motorcycle. Thus, in view of the above, the motorcycle can be released on Supurtnama. Hence, I proceed to pass the following order.

ORDER

- 1) Application Exh.19 is hereby allowed.
- 2) The Police Station Officer or Investigation Officer of Cr.No. 366/2025, registered with the police station Chandanzira, is directed to handover the interim custody of the motorcycle bearing registration no.MH-28-CB-3664, to the applicant on furnishing Supurtnama bond of Rs.50,000/-.
- 3) The Investigating Officer or Police Station Officer shall prepare proper panchanama before handing over the possession of the motorcycle and by taking its photographs from all angles by specifying necessary details for identification of the motorcycle during trial.
- 4) The Investigating Officer or Police Station Officer shall submit the compliance report.

Date : 11.03.2026

(V.M.Mohite)
Sessions Judge
Jalna

CERTIFICATE

I affirm that the contents of the P.D.F. file is word to word as per the original order.

Name of Stenographer : A.P.Deshmukh

Name of the Court : Principal District and Sessions Judge, Jalna.

Date : 13.03.2026

Sd/-

Stenographer Grade-1