

MHJN050003112026



**ORDER BELOW EXH.01 IN**  
**CRI. MISC. APPLICATION NO. 37/2026**  
**Kiran -Vs.- State of Maharashtra.**

The present application has been filed by applicant **Kiran Suresh Katkar** for the return of Local Trailer Manufacturer Comany's Trailer trolley, bearing registration No. MH-21-CG-2386, Chassis No. SE4.2T2W2252025. The said trailer trolley was seized by Ashti Police Station, in C.R.No. 34/2026.

2. In short, the applicant submits that he is the registered owner of said trailer trolley and requires the same to transport his agricultural produce and goods. If interim custody is not handed over to the applicant, he will suffer an irreparable loss. If the trailer trolley is kept in a stationary condition in the police station, it will get damaged or rotten. He agrees that he will abide by the all condition that would be imposed by this court. Hence, prayed to grant the application.

3. On the other hand, the learned A.P.P. filed say at Exh. 01 and submitted that, the trailer trolley is required for trial. The offence is serious in nature. If the trailer trolley is released, the same may be used in a similar type of offence. Hence, she prayed to reject the application. I.O. filed say (Exh. 04) along with a copy of seizure panchnama and submitted that, If the trailer trolley is released, the same may be destroyed or sold by the applicant. Further, the applicant may change the nature of trailer trolley, and thereby destroy the evidence. Hence, the trailer trolley may not be handed over to the applicant. Hence, they requested to reject the application. Heard the learned A.P.P, learned Advocate for the applicant. Perused the record.

4. Having perused the record, it becomes clear from the verified copy of the RC Book (Exh.05), and verified copy of the Adhar Card (Exh. 06), that the applicant is the registered owner of seized trailer trolley. Admittedly, the trailer trolley was seized during an investigation of an offence punishable under Section 303(2) of the Bharatiya Nyay Sanhita. If the trailer trolley is allowed to remain in the police station till the trial is concluded, it will go to waste and it will be contrary to the decision of the Hon'ble Supreme Court in the matter of **Sunderbhai Ambalal Desai Vs. State of Gujrath 2003 SCC (Cri) 1943**.

5. Thus, at present, I do not find any hindrance in granting interim custody of the trailer trolley to the applicant who is the registered owner and rightful claimant thereof. Consequently, the following order is passed.

#### **ORDER**

1. The application is allowed.
2. The police station incharge is directed to handover the interim custody of the seized Local Trailer Manufacturer Comany's trailer trolley, bearing registration No. MH-21-CG-2386, Chassis No. SE4.2T2W2252025 to the applicant **Kiran Suresh Katkar** on his executing of indemnity bond of ₹ **3,00,000/-** subject to final order and following conditions-
  - a. **The Police Station Officer of Ashti Police Station is directed to release the above-mentioned trailer trolley on the production of insurance documents and other valid documents of the trailer trolley.**
  - b. The applicant is directed to produce the trailer trolley in question as and when required during the course of investigation and trial by this court.
  - c. The I.O. of Police Station Ashti, Tq. Partur, Dist. Jalna is directed to take photograph of the trailer trolley and prepared panchanama of the trailer trolley at the expenses of the applicant and place the panchanama

on record.

- d. The applicant is further directed not to change the nature of the trailer trolley till the decision of the case in the above crime.
- e. The applicant is also directed not to sell the above trailer trolley, without the permission of the Court.

Date : 25.03.2026

(A. B. Raut)  
Judicial Magistrate First Class,  
(Court No-02) Partur.

## - : C E R T I F I C A T E : -

I affirm that the contents of this PDF file order are same word as per original order.

Name of Jr. Clerk :- B. N. Kavhale  
Name of Judge :- Judicial Magistrate First Class (Court No. 02), Partur.  
Date of decision :- 25.03.2026  
Order signed by P.O. on :- 25.03.2026  
Order uploaded on :- 25.03.2026

Sd/-  
(B. N. Kavhale)  
Jr. Clerk