

MHJN050003122026



ORDER BELOW EXH.01 IN
CRI. MISC. APPLICATION NO. 39/2026
Shaikh Khaja -Vs.- State of Maharashtra.

The present application has been filed by applicant **Shaikh Khaja Shaikh Pasha** for the return of Mahindra and Mahindra Ltd Company's vehicle Mahindra 575 DI MKM (BRAND NAM) Tractor bearing registration No. MH-21-CG-2161, Chassis No. MBNADALBLSNA14918, Engine No. NSM2MBE0183. The said vehicle 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 vehicle and requires the same to business purpose. If interim custody is not handed over to the applicant, he will suffer an irreparable loss. If the vehicle is kept in a stationary condition in the police station, it will get damaged or rotten. He agrees that he will abide by all conditions 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 (Exh. 01) and submitted that, the vehicle is required for trial. The offence is serious in nature. The investigation is going on. If the vehicle is released, the same may be used in a similar type of offence. Further, the applicant may change the nature of the vehicle or sell it. Hence, she prayed to reject the application. I.O. filed say (Exh. 05) and submits that, the offence is serious in nature. The investigation is going on. If the vehicle is released, the same may be used in a similar type of offence. Further, the applicant may change the nature of the vehicle or sell it. Hence, they prayed to reject the application. Heard

the learned A.P.P. and learned Advocate for the applicant. Perused the record.

4. Having perused the record, it becomes clear from the the verified photocopy of the RC Book (Exh. 06) and verified photocopy of the Adhar Card (Exh.07) that the applicant is the owner of the seized vehicle. Admittedly, the vehicle was seized during an investigation of an offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita. If the vehicle 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 vehicle 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, Mahindra and Mahindra Ltd Company's vehicle Mahindra 575 DI MKM (BRAND NAM) Tractor bearing registration No. MH-21-CG-2161, Chassis No. MBNADALBLSNA14918, Engine No. NSM2MBE0183 to the applicant Shaikh Khaja Shaikh Pasha on his executing of indemnity bond of ₹ 7,00,000/- subject to final order and following conditions-
 - a. The Police Station Officer of Ashti Police Station is directed to release the above-mentioned vehicle on the production of valid documents of the vehicle.
 - b. The applicant is directed to produce the vehicle 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 vehicle and prepared panchanama of the vehicle 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 vehicle till the decision of the case in the above crime.
- e. The applicant is also directed not to sell the above vehicle, without the permission of the Court.

Date : 23.03.2026

(Aparna 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 :- 23.03.2026
Order signed by P.O. on :- 23.03.2026
Order uploaded on :- 23.03.2026

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