

MHJN060003772026



Cri.M.A. No. 37/2026
(Roshanlal Vs. State of Maharashtra)

ORDER BELOW EXH.1

(Decided on 17.03.2026)

Present application is filed by Roshanlal Jain Pyarelal Jain GPA Sandeep Jain Roshanlal Jain, under **Section 503 of Bharatiya Nagarik Suraksha Sanhita**, for interim custody of vehicle seized in **Cr.No.81/2026** registered at Bhokardan police station bearing following description:-

Model Name	-	Tata Motors Ltd.5530.0 BSV Truck
Registration No.	-	RJ 02 GC 6061
Chasis No.	-	MAT828053RAK15012
Engine No.	-	42J95483239

(Hereinafter referred as 'Said Vehicle')

2] It is contention of the applicant that, applicant is in need of said vehicle for his daily use. Without said vehicle he is suffering from irreparable loss. If said vehicle is kept in police station without use then its condition will deteriorate. Said vehicle is not in need for further investigation. Hence, he prayed to handover interim custody of said vehicle.

3] Say of I.O. and learned A.P.P. was called out. A.P.P. filed his say that offence is serious in nature. There are chances that accused may tamper with the seized muddemal. Seized muddemal is important piece of evidence and it is not perishable in nature. Therefore, he prayed to reject the application. I.O. also filed say on

the same footing at Exh.4.

4] Perused the application, Say of A.P.P and I.O. and record of the present case. Heard Ld. Advocate for the applicant.

5] Upon perusal of the say of I.O. at Exh.4 it is seen that, said vehicle is seized by the police during investigation in Cr.No.81/2026. From the registration certificate of R.T.O. produced at Exh.5 it is seen that said vehicle is registered in the name of applicant.

6] Hence, no purpose will be served by keeping the custody of said vehicle with the police. Till today except applicant no one claimed the said vehicle before this court. From the say of A.P.P. as well as I.O. it is further seen that said vehicle is not necessary for prosecution in further investigation.

7] Hon'ble Supreme court laid down the ratio in ***Sunderbhai Ambalal Dessai v. State of Gujarat(2002) 10 SCC 283*** 'Owner of the article would not suffer because of its remaining unused or by its misappropriation. It is also laid down that before handing over possession of the article proper panchanama is to be prepared.'

8] Value of the vehicle is not mentioned either in the say of I.O. or in the F.I.R. Considering utility of the vehicle and date of manufacturing of the vehicle indemnity bond of Rs.5,00,000/- needs to be taken from the applicant. Hence, after considering the reasons mentioned above, documents produced on record and ratio laid down in *Sunderbhai (Supra)*, it is seen that applicant is entitled to get the interim custody of said vehicle. So, I pass following order –

ORDER

1. Application is allowed.
2. I.O. from Bhokardan police station is directed to take indemnity bond for the amount of Rs.5,00,000/- in lieu of said vehicle from the applicant and current insurance policy of said vehicle.
3. The I.O. from Bhokardan police station is hereby directed to handover the interim custody of seized vehicle bearing no.RJ-02 GC-6061 to the applicant by making detailed panchanama of the said vehicle by taking photographs, identification of the accused and on the following conditions :
 - a. he shall not alienate, transfer or change the nature of said vehicle till final disposal of the said crime.
 - b. he shall produce said vehicle as and when required by the Court.
 - c. he shall submit certified copy of R.C. Book, Insurance Policy of said vehicle to police station Bhokardan.
4. I.O. from Bhokardan police station is further directed to submit the detailed Panchanama before this court along with charge-sheet.

Date:- 17.03.2026

Sd/-
(Mayuresh R. Kale)
Judicial Magistrate First Class,
Bhokardan.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Steno/Clerk	:	G.M.Padol
Court	:	CJJD & JMFC, Bhokardan
Date	:	17.03.2026
Judgment/order signed by the Presiding Officer on	:	17.03.2026
Judgment/Order uploaded on	:	17.03.2026