

MHJN060004162026



Cri.M.A. No. 38/2026
(Sunil Vs. State of Maharashtra)

ORDER BELOW EXH.1
(Decided on 30.03.2026)

Present application is filed by Sunil Sominath Shelke, under **Section 503 of Bharatiya Nagarik Suraksha Sanhita**, for interim custody of vehicle as well as trolley(trailer) seized in **Cr.No.47/2026** registered at Hasnabad police station. Seized tractor bears following description:-

Model Name	-	Mahindra & Mahindra Swaraj 735 FE
Registration No.	-	MH 21 CG 3054
Chasis No.	-	MBNAPA94ABMTK47306
Engine No.	-	391358SDK19784

(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 A.P.P. and I.O. was called out. A.P.P. filed his say that, if property is returned to the applicant then he will again use the said property for illegal purpose. Investigation is yet to be completed. Therefore, he prayed to reject the application. I.O. filed his say on same footing at Exh.5.

4] Record reflects that the trolley seized in the present Cr.no.47/2026 is not registered with the respective authority. Along with Exh.4 the applicant produced one receipt showing the purchase of trolley

in the name of the applicant. Therefore, to verify the said bill the notice was issued to I.O. Accordingly, I.O. filed his report at Exh.7 that, the applicant has purchased the said trolley from the vendor mentioned in receipt filed along with Exh.4.

5] Vehicle particular of the tractor produced along with Exh.4 shows that the said tractor is registered in the name of applicant. As on today except the applicant no one claimed the tractor as well as trailer before this court. Report filed by I.O. at Exh.7, Vehicle particular and receipt produced along with Exh. 4 further substantiate the claim of the applicant as a rightful possessor of the tractor as well as trolley(trailer).

6] 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.*'

7] Regarding non registration of the said trolley I would like to mention here the principle laid down by Hon'ble Bombay High Court in the case of **Parmeshwar Dudhe Vs. The State of Maharashtra Cri.Writ Petition no.841/2019**. In the said case the seized tractor was not registered while handing over the custody of said unregistered tractor Hon'ble Bombay High Court held that, "*If such is the state of affairs, when the prosecution itself is alleging that is the owner of the tractor which has been seized, it can very well be return to him instead of allowing it to be rusted further in the premises of the police station. Even the prosecutor was unable to reply as to what the prosecution would now do with the tractor if it was not to be returned to the petitioner. It is under such a circumstances that without getting swayed away by the allegations and counter allegations about manipulation in respect of the chasis number and the engine number one will have to permit it to be returned to the*

petitioner, of course subject to suitable conditions so as to enable him to convert it into road worthy condition so that thereafter it can be duly registered and insured.” In the said case Hon’ble Bombay High Court handed over the interim custody of tractor on the following conditions, “He undertakes to not to use the tractor unless and until it is duly insured and registered under the Motor Vehicles Act. Secondly, not to use it except for agricultural operations. Thirdly, execute personal bond.”

8] As mentioned above in the present case trolley(trailer) is an unregistered vehicle. Applicant furnishes an affidavit at Exh.6 that he will get the said trolley registered once released. No one except applicant claimed the said trolley(trailer). Therefore, considering ratio laid down by Hon’ble Bombay High Court in the case of **Parmeshwar (supra)**, report filed by I.O. at Exh.7 and affidavit furnished at Exh.6 by imposing stringent conditions upon the applicant trolley(trailer) also needs to be released on the basis of interim custody. Accordingly, I pass following order –

ORDER

1. Application is allowed.
2. I.O. from Hasnabad police station is directed to take indemnity bond for the amount of Rs.8,00,000/- in lieu of said tractor as well as trolley(trailer) from the applicant.
3. The I.O. from Hasnabad police station is hereby directed to handover the interim custody of seized Tractor bearing no.MH-21-CG-3054 and Trolley(trailer) to the applicant by making detailed panchanama of the said vehicle by taking photographs, identification of the applicant and on the following conditions :
 - a. He shall not alienate, transfer or change the nature of said vehicle and trolley(trailer) till final disposal of the Cr.no.47/2026.
 - b. He shall produce said vehicle as well as trolley(trailer) as and when required by the Court.
 - c. Applicant to get registered the trolley(trailer) as per

procedure prescribed in Motor Vehicles Act from the competent authority within one month from the date of this order.

- d. After getting registration done of the said trolley(trailer) applicant to report about the said registration to I.O. in the Cr.no.47/2026.
 - e. Till getting registration of the trolley(trailer) done from the competent authority applicant will not use or will not allow to use anybody on his behalf the trolley(trailer) for any purpose.
4. I.O. from Hasnabad police station is further directed to submit the detailed Panchanama as well as compliance report of above mentioned conditions before this court along with charge-sheet.

Date:- 30.03.2026

(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	:	Smt. S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	30.03.2026
Judgment/order signed by the Presiding Officer on	:	30.03.2026
Judgment/Order uploaded on	:	08.06.2026