

MHJN080004152026

**ORDER ON THE PROPERTY RETURN APPLICATION FILED IN CRIMINAL
M.A. NO.31/2026**

Kadir Biban Shaikh, through this application has prayed for return of property i.e. Mahindra and Mahindra company's Bolero pick-up bearing No.MH-21-BH-6344 having Chasis No.MA1RA2TTKP1E47741 and Engine No.TTP1E23561, seized by the Ghansawangi Police station, in Crime No.116/2026. He submitted that he is the owner of the said seized vehicle and therefore, he is entitled to get its interim custody.

2. Investigation officer and Ld. APP through their respective say, objected the application.

3. In support, the applicant has filed the following documents :-

- A Copy of Aadhar Card of applicant,
- B Copy of registration certificate,
- C Copy of FIR,
- D Copy of Sale agreement,
- F Affidavits of Rafiq Qureshi & Shaikh Karim.

4. Vehicle registration certificate of the seized vehicle stands on the name of Shaikh Karim Shaikh Wajir. He has filed his affidavit on the Court record stating that he has no objection for granting the interim custody of the seized vehicle in favour of the applicant. The sale agreement shows that seized vehicle is sold by Rafiq Shafiq Qureshi to the present applicant. He has also filed his affidavit on the Court record stating that he has no objection to granting the interim custody in favour

of applicant. From the documents produced, the applicant appears to be the lawful possessor of the seized vehicle. Except the applicant, no one has appeared and claimed the property. No purpose would be served in keeping the seized property lying in the police station. The possibility of damage to the property can not be ruled out if kept lying in the police station. Followed the direction given by the Hon'ble Supreme Court of India from the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat.**

5. As the applicant has shown his lawful possession over the seized property, he is entitled for possession of the same. In the result, following order is passed,

ORDER

1. The application is allowed.
2. The property namely, Mahindra and Mahindra company's Bolero pick-up bearing No.MH-21-BH-6344 having Chasis No.MA1RA2TTKP1E47741 and Engine No.TTP1E23561, seized by the Ghansawangi Police station, in Crime No.116/2026, be handed over to the applicant till the conclusion of the trial on the applicant executing indemnity bond of Rs.2,50,000/- (Rs. Two Lakh Fifty Thousand).
3. The applicant to undertake that, he shall not sale or transfer the seized property without prior permission of the Court. The applicant to maintain and preserve the property in all respects and produce the property in the Court as and when directed.
4. Investigation Officer is directed to prepare the detailed

panchnama and also to take photographs of the seized property before handing over the custody. Photographs shall be signed by the panchas and counter signed by the I.O.

5. Investigation Officer to file the compliance report before the Court.
6. The Supuratnama be attached with the charge-sheet.

Dt. 20/03/2026

(Chetan Jagtap)
Judicial Magistrate First Class,
Ghansawangi.