


MHJN110002192026 	<b>Cri. M. A. No. 6 of 2026</b> <b>Govind Vs. State of Maharashtra</b>
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**ORDER BELOW EXH.01**

The applicant Govind Bharatsing Kakas has filed this application under Sec. 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing his Ashok Leyland Ltd Tipper bearing registration No.MH-44-U-6464, having its Engine No.LMEZ413019 and Chassis No.MB1GSGCC5MRLJ2963 seized by Police Station, Ambad, Tq. Ambad Dist. Jalna, in the Crime No.92/2026 [Sec.105 BNS, r/w 3 (2), 3 (v) of SC and ST Act] on the ground that, said vehicle is seized from applicant in the alleged offence. The above said vehicle has been purchased from one Raysing Sandusing Mandawat through agreement to sale dt. 23.09.2025. He needs above said vehicle for daily use and business. Above said vehicle is lying in the premises of police station and if it is not released, it becomes junk day by day. Applicant is ready to give undertaking that, he will neither sell nor change it.

2] Prosecution has filed say and opposed application of applicant on the ground that, applicant is not registered owner of the vehicle seized in crime no.92 of 2026 by the Ambad Police Station. He has committed an offence under Sec.105 BNS, r/w 3 (2), 3 (v) of SC and ST Act. Therefore, property in question may not be released in favour of applicant. Applicant is not registered owner of said vehicle. The vehicle is not registered in the office of RTO. Lastly, prayed for rejection of the application.

3] Heard ld. advocate for applicant and ld. APP for the State. Perused application as well as say and documents of seized vehicle i.e. FIR, Adhar card of applicant, R.C. Book, copy of agreement executed between applicant and Raysing etc., it show that, original owner is Raysing a registered owner of said vehicle. Record further shows that, vehicle in question was seized from the possession of applicant Govind. Record further shows that, alleged transaction of transfer of vehicle was took place between applicant and Raysing.

4] It is contention of applicant that, he has purchased said vehicle from Raysing by executing agreement dt. 03.09.2025. It is prosecution say, that, if seized vehicle released, there is possibility that applicant create third party interest in the vehicle. Admittedly, applicant is not a registered owner of said vehicle. He has filed documents on record regarding ownership of vehicle but, said documents are in the name of Raysing. The applicant also filed copy of insurance of seized vehicle on record at Exh-7. It is to be noted that, the accident in question was took place on 17-02-2026. Record shows that, on the day of accident, insurance of seized vehicle was not valid. The copy of insurance produced by the applicant is of dated 18-03-2026. As such, from the document of insurance policy, it is clear that, seized vehicle was not validly insured on the day of accident. It is well settled law, that if offending vehicle is not validly insured on the day of accident, the said vehicle should not be released by the Court. Record further shows that, offence under Sec 105 BNS, r/w 3 (2), 3 (v) of SC and ST Act, is pending against applicant who is not original owner of vehicle in question. Admittedly, said vehicle is seized by police under the offence punishable Sec.105 of BNS, r/w 3 (2), 3 (v) of S.C. and S.T. Act. The legal heirs of deceased might have filed compensation claim in future. If seized vehicle

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is released, there is possibility that, applicant or original owner of seized vehicle will create third party interest in the vehicle and hurdle will be created in the recovery of compensation amount to the legal heirs of deceased. Therefore, considering all above facts & circumstances, applicant is not entitled to claim custody of vehicle in question. It would not be just and proper to return said vehicle to applicant. In the result, I pass the following order :-

**ORDER**

Application (Exh.01) is rejected.

Date : 18.03.2026

**( M. J. J. Baig )**  
Additional Sessions Judge,  
Ambad.