

MHKO010051002022



Order passed below Exh.116 in Special Case No. 285 of 2022
(State of Maharashtra Vs. Ravisagar Halwankar and Ors.)

This application is filed by accused no.10 Ravisagar Ganptrao Halwankar who is registered owner of Royal Enfield Meteor 350 Motorcycle bearing No. MH-09-FX-9008 for its interim custody which was seized in C.R. No. 739/2022, registered in Shahupuri Police Station, Kolhapur under Section 420, 406, 409,r/w 34 of IPC and under Sec. 3, 4, 6 of MPID Act.

2. According to applicant, the seized motorcycle is owned by him. The seized motorcycle is required for him for his daily use. As there is only one motorcycle of applicant and it is required by him for his personal use. If the seized motorcycle remained idle in the police station, there will be damage to said motorcycle and it will not remain in working condition. He is ready to execute the requisite bond and will produce the motorcycle as and when directed by this Court. So, he prayed for interim custody of the seized motorcycle.

3. The Investigating Officer has filed his say at Exh.136 and admitted that the above motorcycle has been seized in connection with this crime and the present applicant is the registered owner of the said motorcycle. The applicant has also produced a copy of Registration Certificate of motorcycle on record. The say of the investigating officer does not disclose that the said motorcycle is required for investigation. Shri. S.M. Patil, the learned A.P.P. contended that the motorcycle in

question was used by the applicant for commission of the offences and he will dispose of the same if it is given in his custody and therefore, it may not be given in custody of the applicant.

4. The useful reference can be made to the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalala Desai Vs. State of Gujarat (2002 DGLS (SC) 847)* wherein, the Hon'ble Supreme Court has laid down certain guidelines for disposal of the property pending trial. It is observed that the power under Sec. 451 of Criminal Procedure Code should be exercised expeditiously and judiciously. The Court has to pass appropriate orders immediately and articles are not to be kept for long time at police station, in any case, for not more than fifteen days to one month.

5. Having considered the rival submissions and the guidelines issued by the Hon'ble Supreme Court in the judgment cited *supra*, I deem it appropriate to allow this application and give interim custody of Royal Enfield Meteor 350 Motorcycle bearing No. MH-09-FX-9008 to the applicant on bond (Suprutnama) and on certain conditions. Hence, the order.

ORDER

- (1) The application is allowed.
- (2) The Royal Enfield Meteor 350 Motorcycle bearing No. MH-09-FX-9008 which was seized in C.R. No. 739/2022 by Shahupuri Police Station be handed over to the applicant Ravisagar Ganpatrao Halwankar on the following conditions:
 - (a) That the applicant shall execute a bond (*Suprutnama*) of Rs.80,000/-.

- (b) The applicant shall not make any material change in the motorcycle nor shall sell or dispose of it without permission of this Court.
 - (c) The applicant shall not use the said motorcycle for any criminal activity.
 - (d) The applicant shall produce the said motorcycle as and when directed by this Court.
- (3) Issue letter to the concerned Police Station on compliance by the applicant.

Date: 19/04/2023

(S.R. Salunkhe)
Additional Sessions Judge,
Kolhapur.