

MHKO070009712026 	<u>CRIMINAL MISC.APPLICATION NO.77/2026</u> Sunita Bharateshwar Topgonda Vs State of Maharashtra through Jaysingpur Police Station Jaysingpur
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ORDER BELOW EXH. 01

The applicant namely Smt.Sunita Bharateshwar Topgonda has presented this application seeking custody of the property i.e. Honda Company Activa 6G DLX Bike having registration No.MH-09/GH-4674 which came to be seized in Crime No.109/2026 which is registered at Jaysingpur Police Station.

02. Perused the application, affidavit of the applicant and documents filed along with the application. The applicant vide Exh.3 at Serial No.1 filed copy of registration certificate of said vehicle, at Serial No.2 filed copy of F.I.R. of C.R.No.109/2026, and at Serial No.3 filed copy of Aadhar card of applicant. The say of I.O. and Ld. A.P.P was called. The I.O. filed his say and submitted that, he has no any objection to hand over the custody of the said vehicle to the applicant on terms and conditions. The Ld. APP filed her say and submitted that, if the muddemal is returned to the applicant then she will cause change in its nature, she will sell or transfer the vehicle, hence, prayed for rejection of the application.

03. Heard the Ld. Advocate for the applicant and Ld.A.P.P for the state.

04. The points for determination along with my findings thereon for the reasons thereof are as under-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDING</u>
I.	Is the applicant entitled to have the interim custody of said seized vehicle?	... Yes
II.	What order ?	... As per final order

REASONING

05. The Ld. Advocate for the applicant argued that considering the documents filed vide Exh.3 which shows that applicant is the owner of said seized vehicle. If the said vehicle is kept at concerned police station and if it is not returned to the applicant, it will get damaged and applicant will suffer huge loss. Along with this applicant is ready to fulfill all the conditions that may be imposed by this court. Lastly argued to return the custody of said vehicle. The Ld. A.P.P argued as per their say.

As to Point no.1

06. Upon perusal of copy of registration certificate of said vehicle vide Exh.3/1 shows that applicant is the owner of said vehicle. It is further to note that by lapse of time value of the property would definitely deteriorate. Trial will take its own time to decide the matter on merit. Under such circumstances, keeping the property that too like vehicle pending till the disposal of trial would definitely not going to benefit anybody. On the contrary, rightful person would be deprived from the enjoyment of property. Hence, at this juncture, it will not be fruitful to keep the said seized vehicle lying in the police station. The argument of Ld. Advocate for the applicant is acceptable. Considering the say of other side the direction in that regard needs to be given. Hence, in view of direction of Hon'ble Supreme Court in the matter of *Sunderbhai Ambalal Desai V. State of Gujrat (A.I.R.2003 S.C.638)* and aforesaid reasons I answer the point no.1 in affirmative and proceed to pass following order in answer to point no.2.

: ORDER :

1] The application is allowed on following terms and conditions-

A] The Police Inspector, Jaysingpur police station is hereby directed to hand over the interim custody of the said seized vehicle i.e.Honda Company Activa 6G DLX Bike having registration No.MH-09/GH-4674 to the applicant on due

verification and identification, subject to furnishing indemnity bond according to Article 35 of Schedule 1 of the Maharashtra Stamp Act, 1958 of Rs.25,000/-(Rs. Twenty Five Thousand only) before concerned police officer.

- B] The applicant shall produce the said vehicle as and when directed by this court. The applicant shall not create any third party interest in said seized vehicle in any manner. Applicant to maintain vehicle in all respect.
 - C] Concerned Police officer shall prepare the detail panchnama and take photos from different angles as to the condition and identification of said vehicle on the cost of applicant before handing over it to the applicant. Such photograph should be attested and counter signed by applicant and I.O.
 - D] I.O. to obtain the I.D. proof of the applicant with photo and file compliance report in Crime No.109/2026.
 - E] Issue yadi accordingly to concerned police station for compliance. C.C. to comply.
- (Dictated and pronounced in open Court).

Dated: - 16/07/2026

(A. T. Mangire)
Judicial Magistrate (F.C.), Court No.2
Jaysingpur, Tal.Shirol, Dist.Kolhaupr

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. C.N. Kumbhar
Name of Court	2 nd Joint C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	16/07/2026.
Judgment/order signed by the PO on	16/07/2026.
Judgment/order uploaded on	16/07/2026.