

MHKO11001307-2026



Cri.M.A. No. 162/2026

Vivek Dinkar Dhekale

-V/s.-

State of Maharashtra

ORDER BELOW EXH. 01

This is an application vide section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 praying to release Carbide Inserts and Tools of about 2698 worth of Rs.11,54,512/- seized by Police Station, Shirolu M.I.D.C in connection with **Crime No. 169/2026** for offence punishable u/s. 305(A), 334(1) of the Bhartiya Nyaya Sanhita, 2023.

02. Perused the application. It is the submission of the applicant that he is a manufacturer and operates a company named 'Sky Techno vision' situated at Plot No.32, Gat No.603/3/A, Datta Colony, Shirolu MIDC, Tal. Hatkanangale and his wife, Swati Vivek Dhekale, runs a company named 'S.V. Engineering Solutions'. It is submitted that theft was taken place and Carbide Inserts and Tools was stolen from the company of his wife, the report of which was lodged with Shirolu MIDC Police Station. Pursuant to said report, police have seized muddemal. It is submitted that the informant who is the owner of seized muddemal has executed power of attorney to present this application for seeking custody of seized muddemal. Hence, this application.

03. Learned A.P.P. opposed the application on the grounds that muddemal seized is important evidence in this crime. There is possibility that the applicant may sale, alienate or change the nature of seized muddemal, if its custody is parted with him and prayed for its rejection.

04. Investigating officer however, submitted his no objection to handover custody of the seized muddemal with the applicant on terms and conditions as may be imposed by the Court.

05. I have gone through submissions in the light of say of I.O. and documents filed on record by the applicant showing ownership over the seized muddemal. It appears that pursuant to the report, stolen

property has been seized in crime. Applicant prima facie proves his ownership and hence, he is entitled to get temporary custody of seized muddemal. Even otherwise, considering the nature of alleged crime, no purpose would serve to detain seized muddemal in the custody of police till the conclusion of investigation or trial. There is every possibility of causing damage to the said muddemal, if it remained unused.

06. As per the ratio laid down by the Hon'ble Supreme Court in the Case of ***Sundarbhai V/s. State of Gujarat AIR 2003 Supreme Court 638***, no purpose would serve to keep the seized muddemal lying in the premises of police station till the conclusion of trial. There is possibility of rusting and damage if it is kept unused. Therefore, in view of those directions of the Hon'ble Supreme Court, so also, in view of ownership of applicant with the seized muddemal, I proceed to pass following order,

ORDER

1. Application is allowed.
2. The Police Inspector, Shirolu M.I.D.C Police Station is hereby directed to handover the temporary custody of muddemal seized in **Crime No.169/2026** to applicant, **Vivek Dinkar Dhekale**.
3. Applicant is directed to submit Suprutnama of Rs.15,00,000/- for release of seized muddemal.
4. Concerned I.O. is directed to prepare panchnama while handing over the custody of seized muddemal to applicant and take photographs at the costs of the applicant.
5. The applicant is directed that he should not change the form or colour of seized muddemal or transfer or alienate his ownership without the prior consent of this court.
6. The concerned I.O. is directed to submit the panchnama and photographs of seized muddemal along with the final report.

Date : 14.07.2026
Peth-Vadgaon

(R. K. Deshpande)
Judicial Magistrate (First Class),
Peth-Vadgaon