



ORDER PASSED BELOW EXH. NO.18
MHLA150010862022

1] This is an application filed by applicant **Rajendra Vankatrao Suryawanshi** under Section 451 of Criminal Procedure Code to return seized property i.e. Bajaj Discover Company's Motorcycle bearing its registration No. MH-24-Y-9571 having its Chasis No.MD2DSPAZZUWJ27985 and its Engine No. JBMBUJ67320 in FIR No.111/2022 in Police Station, Wadhawa in RCC No.245/2022 pending this court.

2] The applicant claiming to be owner of said vehicle. The applicant is ready to abide the conditions imposed to him, while returning the seized property.

3] The learned APP and I.O. filed their say on this application. I.O. has also produced seizure punchanama on record. Learned APP and I.O. have opposed the application mainly on the ground that it is important part of evidence.

4] Heard learned APP and learned advocate for applicant. Perused the record the applicant has produced verified copy of his Adhar Card, verified copy of certificate of registration of said vehicle and verified copy of Driving license and certified copy of FIR No.111/2022 in Police Station, Wadhawa in RCC No. 245/2022. Prima facie it appears that, the alleged vehicle is on the name of **Rajendra Vankatrao Suryawanshi**. The application is supported by affidavit of applicant at Exh.19. He stated in affidavit that he is owner of the said vehicle. Hence, as per record it appears that the applicant was in possession the alleged vehicle and the said vehicle was stolen by accused. Now police has seized the vehicle from accused. So, the applicant is entitled to the possession and custody of alleged vehicle. No purpose would be served in keeping the seized vehicle lying in the police station, Wadhawa. The possibility



of damage to the property cannot be ruled out if it kept lying in the police station. Nobody has claimed the custody of said seized vehicle except the applicant. It is also undisputed fact that applicant is entitled for the possession of said seized vehicle.

5] As the applicant has shown his legal possession over the seized property, he is entitled for the possession of the same. Therefore, it would be just and proper to hand over its custody to the applicant. In the result following order is passed.

ORDER

1. The application is allowed.
2. The I.O. is directed to hand over the seized property in FIR No.111/2022 i.e. Bajaj Discover Company's Motorcycle bearing its registration No. MH-24-Y-9571 having its Chasis No.MD2DSPAZZUWJ27985 and its Engine No. JBMBUJ67320 in Police Station, Wadhawa to the applicant **Rajendra Vankatrao Suryawanshi** till the conclusion of the trial on executing indemnity bond of Rs.75,000/- (Rs. Seventy Five Thousand Rupees Only).
3. Before granting custody to the applicant, I.O. shall prepare panchanama of seized vehicle and shall take appropriate photographs of the seized property for identification.
4. The applicant shall not sell or transfer or create third party interest in respect of seized vehicle and shall not change the nature and appearance of the same without the prior permission of the court till the final decision of this case. The applicant to maintain and preserve seized property in all respects.
5. The indemnity bond be executed before concerned investigating officer.



Cri.M.A.No.131/2022
Shivanand V/S. State

6. The applicant or any other person on his behalf shall not use the vehicle in commission of any offence.
7. On compliance of above conditions the application stands disposed off.
8. The document be attached to RCC No. 245/2022.
9. Inform the concern police station accordingly.

Place : Chakur
Date : 22/12/2022

[M.S. Luniya]
Judicial Magistrate First Class,
Court No.2, Chakur.



Cri.M.A.No.131/2022
Shivanand V/S. State

C E R T I F I C A T E

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

Name of the Jr. Clerk	:-	Atul Lalasaheb More
Name of the Court	:-	J.M.F.C., (Court No. 2) Chakur.
Date of Order	:-	22/12/2022
Order signed by the Presiding Officer on	:-	22/12/2022
Order uploaded on	:-	22/12/2022