



ORDER BELOW EXH.01 IN
CRI. MISC. APPLICATION NO. 213/2026
Shaikh Tosif -Vs- State of Maharashtra.

The present application has been filed by applicant Shaikh Tosif Vajirbhai for the return of a vehicle i.e. General Motors India Pvt. Ltd Company's, Tavera Car- B3 NEO 3 LS 10, bearing registration No. GJ-18-BD-7922, Chassis No. MA6ABCD5FFH003614, Engine No. 3DQ192613. The vehicle was seized by the Nandurbar City Police Station, in C.R. No. 555/2026.

2. The applicant submits that he is the registered owner of the vehicle and requires the same for his daily activities and business purposes. It is contended that if the interim custody of the vehicle is not handed over to him, he will suffer irreparable loss. The applicant further submits that if the vehicle remains stationed at the police station for a prolonged period, it is likely to deteriorate and lose its value due to non-use. The applicant undertakes to comply with any conditions that may be imposed by this Court and, on these grounds, prays for allowing the application.

3. On the other hand, the learned A.P.P. has filed a reply at Exhibit-07 opposing the application. It is contended that the vehicle is required for the purposes of investigation and trial. The learned A.P.P. submits that the alleged offence is of a serious nature and that, if the vehicle is released, there is a possibility that the applicant may dispose of the same or tamper with the evidence. It is further submitted that the vehicle was seized while the accused was allegedly transporting prohibited flesh therein. Accordingly, the learned A.P.P. has prayed for rejection of the application. The Investigating Officer has also filed a reply at Exhibit-06 stating that, if

the vehicle is released, there is a possibility that the applicant may use it for committing a similar offence. It is further apprehended that the applicant may alter, dispose of, or sell the vehicle. The Investigating Officer has also expressed concern that the vehicle may not be produced before the police station or before the Hon'ble Court as and when required. It is submitted that the investigation is still in progress. Hence, the Investigating Officer has requested this Hon'ble Court to reject the application.

4. The crime has been registered against Accused No. 1, Kureshi Mohammad, and Accused No. 2, Shaikh Salim. The alleged vehicle was seized from Accused No. 1, Kureshi Mohammad Shoyeb Mohammad Aarif. Accordingly, the say of both accused was called for. In response, both accused filed their reply at Exhibit 04 along with affidavit at Exhibit 05, stating that they have no objection to the custody of the said vehicle being handed over to the applicant.

5. Heard the learned A.P.P. and the learned Advocate for the applicant. Perused the record.

6. Upon perusal of the record, it is evident from the verified photocopy of the Registration Certificate (R.C.) Book (Exh. 8), pertaining to the vehicle and the verified photocopy of the Aadhaar Card (Exh. 9) of the applicant that the applicant is the registered owner of the seized vehicle. Furthermore, both accused have expressly stated that they have no objection to the release of the said vehicle in favour of the applicant. It is an admitted position that the vehicle was seized during the investigation of an offence punishable under Sections 5, 5-A, 5-B, 5-C, 9, 9-A of the Maharashtra Animal Preservation Act, 1976; under Sections 66/191 of the Motor Vehicle Act. If the vehicle is permitted to remain in the police station until the conclusion of the trial, it is likely to deteriorate and go to waste. Such a course would also be contrary to the principles laid down by the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai vs. State of Gujarat*, 2003 SCC (Cri) 1943, wherein it has been observed that

seized articles should not be allowed to remain unused and should be released on appropriate conditions.

7. Thus, at present, I do not find any hindrance in granting interim custody of the vehicle to the applicant who is the registered owner and rightful claimant thereof. Consequently, the following order is passed.

ORDER

1. The application is allowed.
2. The police station incharge is directed to handover the interim custody of the seized vehicle i.e. General Motors India Pvt. Ltd Company's, Tavera car- B3 NEO 3 LS 10, bearing registration No. GJ-18-BD-7922, Chassis No. MA6ABCD5FFH003614, Engine No. 3DQ192613 to applicant Shaikh Tosif Vajirbhai his executing of indemnity bond of ₹ 5,00,000/- subject to final order and following conditions-
 - a. **The Police Station Officer of Nandurbar City Police Station is directed to release the above-mentioned vehicle on the production of valid document of the vehicle.**
 - b. The applicant is directed to produce the vehicle in question as and when required during the course of investigation and trial by this court.
 - c. The I.O. of Police Station Nandurbar City, Nandurbar is directed to take photographs of the vehicle and prepared panchanama of the vehicle at the expenses of the applicant and place the panchanama on record.
 - d. The applicant is further directed not to change the nature of the vehicle till the decision of the case in the above crime.
 - e. The applicant is also directed not to sell the above vehicle, without the permission of the Court.
 - f. The applicant is further directed to ensure that the aforesaid vehicle is not used for any unlawful or illegal

activity in future.

Nandurbar

Date : 19.06.2026

(Rahul B. Suryawanshi)
Judicial Magistrate First Class,
(Court No-03) Nandurbar.

- : C E R T I F I C A T E : -

I affirm that the contents of this PDF file order are same word as per original order.

Name of Steno :- P. M. Gomte

Name of Judge :- Judicial Magistrate First Class (Court No. 03), Nandurbar.

Date of decision :- 19.06.2026

Order signed by P.O. on :- 19.06.2026

Order uploaded on :- 19.06.2026

Sd/xxx
(P. M. Gomte)
Steno