

ORDER BELOW EXH. 13 IN SCC NO. 122 OF 2018

This is an application filed by the applicant/accused for modification of order dated 18.04.2018 in OMCA No. 57/2018.

02. It is the contention of applicant that police station, Kandhar has seized Appe Auto bearing registration No. MH-24-E-9044 . While passing order dated 18.04.2018 this court was pleased to order the release of Auto by way of interim custody to applicant but, the court has imposed condition to submit bank guarantee of nationalized bank. Till date due to economic condition of applicant he could not manage to prepare bank guarantee to release the vehicle . Hence, applicant prayed to modify the order.

03. Learned APP filed his say and submits that, the court can not modify the order and the application is not tenable therefore prayed to reject the application.

04. Heard learned APP and learned advocate for applicant. The applicant has placed on record certified copy of order of Exh. 01 in OMCA No. 57/2018 dated 18.04.2018. Perused the record, it appears that condition No. 2 is imposed in respect of bank guarantee. Therefore, the said condition is relaxed as the applicant did not manage to furnish the bank guarantee. The very purpose of interim custody is made for the early disposal of property. The vehicle is lying in police station which may damaged the vehicle and it's life. The applicant is poor whose income is

depended upon said vehicle, therefore the condition imposed in order dated 18.04.2018 is modified. Hence, the application deserves to be allowed. Hence, the following order-

ORDER

- 1) The application is allowed.
- 2) Order dated 18.04.2018 in OMCA No. 57/2018 is modify.
- 3) Interim custody of seized vehicle i.e. Appe Auto bearing registration No. MH-24-E-9044 chesis No. MBX0000ZFND286015 be handed over to the applicant Gunwant S/o Laxman Potwale till conclusion of the trial on his furnishing Supurtnama of Rs. 80,000/-
- 4) The P.S.O of the concerned police station is further directed to prepare detail panchanama and take photographs of the said Appe Auto from all directions and obtain signature of the applicant on the reverse said of the photographs before handling over it's possession to the applicant. Applicant to bear the costs of photographs.
- 5) Applicant shall not sale or transfer or change the design of the above mentioned property without prior permission of the Court and shall produce the said property before the Court whenever required in the matter.

(L.B.M.M.A. Syed)
Judicial Magistrate F.C.
Kandhar.

Date:- 21/06/2019.

CERTIFICATE

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

Name of the Stenographer	:- Muley S.M.
Court Name	:- In the Court of Judicial Magistrate F.C, Kandhar
Date of Judgment/order	:- 21/06/2019.
Order signed by the Presiding officer on	:- 21/06/2019.
Order uploaded on	:- 24/06/2019.