

MHND140017782025



**RCC No.225/2025**

State Vs. Sd. Shoaib and  
others

**ORDER BELOW EXH.30**

01. This is an application filed by applicant **Abdul Kalam Abdul Salam** under section 497 of the Bhartiya Nagarik Suraksha Sanhita for releasing of Four wheeler **Toyota Innova 2.5 G**, bearing no. **MH-02-AP-7008**, chassis No. **KUN4070284951005** and **Engine No. 2KD9531964**, seized in crime bearing No.217/2025 punishable under section 303(2), 205, 238, 112(2) 3(5) of BNS and Section 5(A)(1)(2), 9 of Animal Preservation Act and Section 11(c), 11(g), 11(h) of Cruelty to Animals Act and section 52 of M. V. Act, Registered with Degloor Police Station, Tal. Degloor, Dist. Nanded.

**The brief facts giving rise to the present application:-**

02. The applicant is the owner of the above claimed vehicle. During investigation of crime bearing no.217/2025, police seized above mentioned vehicle. Hence, this application.

03. The application is supported by true copy of FIR, verified copy of registration certificate of vehicle in the name of original owner Abdul Rahim Kureshi, verified copy of vehicle sale deed executed on bond paper of Rs.100/-, verified copy of aadhar card of applicant Abdul Kalam and original owner Abdul

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Rahim Kureshi and affidavit of applicant at Exh-31 and affidavit of original owner Abdul Rahim Kureshi.

**04.** Heard the learned counsel of applicant and Ld. APP. Perused the application and record.

**05.** The learned APP filed his say overleaf the application and objected the application and submitted that, accused used the seized vehicle for committing of such offence which is serious in nature and also non-bailable. So many crimes and proceedings registered against accused in the Nanded District at various police stations. If, muddemal property is returned to the accused he will definitely commit similar nature of offence. Therefore, she prayed to reject the application.

**06.** Applicant filed his application along with affidavit at Exh. 31 and submitted that he is a owner of the said vehicle. He has purchased the vehicle through sale deed from Abdul Rahim Qureshi Abdul Karim Qureshi. Therefore, he is entitled to recover the said vehicle.

**07.** Perused the application and say. Heard both sides. The documents on record reveals that, the applicant has purchased the seized vehicle through sale deed from Abdul Rahim Qureshi Abdul Karim Qureshi on notarized bond paper of Rs.100/- and perusing the verified copy of registration

certificate on record it seen that, the said vehicle is still in the name of the original owner Abdul Rahim Qureshi Abdul Karim Qureshi. The applicant has filed notarized bond paper of Rs.100/- showing that, he has purchased the said vehicle from original owner. Perusing the verified copy of RC book it reveals that, till today the said vehicle is in the name of original owner namely Abdul Rahim Kureshi. However, the original owner of the said vehicle Abdul Rahim Kureshi has filed his affidavit and given his no objection for return the seized vehicle to the applicant. However, it is safe to rely upon the sale deed between applicant and original owner.

**08.** Considering the nature of muddemal property, I am of the view that, no purpose would be served in keeping the seized property at the Police Station. The trial will take time. The possibility of the damage to the property can not be ruled out if kept lying in the Police Station. Therefore, in such situation applicant is entitled to receive the above mentioned property.

**09.** Moreover, the nature of the seized property, its protection, guarding and safe custody is not reasonably practicable. The seized property may lose its worth and value if kept in the open premises of the Police Station. So far as the apprehension of learned APP is concerned, the same can be taken care of by imposing appropriate conditions. In the result, the following order is passed.

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**ORDER**

1.	The application is allowed.
2.	The seized property Four wheeler <b>Toyota Innova 2.5 G, bearing no. MH-02-AP-7008, chassis No. KUN4070284951005 and Engine No. 2KD9531964,</b> seized in crime bearing No.217/2025 punishable under section 303(2), 205, 238, 112(2) 3(5) of BNS and Section 5(A)(1)(2), 9 of Animal Preservation Act and Section 11(c), 11(g), 11(h) of Cruelty to Animals Act and section 52 of M. V. Act, Registered with Degloor Police Station, Tal. Degloor, Dist. Nanded be handed over to the applicant on executing an indemnity bond of <b>Rs.10,00,000/- (Rupees Ten lacs Only).</b>
3.	The applicant to undertake that, he shall not sell or transfer the property without the prior permission of the court. The applicant to maintain and preserve the property in all respects.
4.	The applicant shall produce the property in the Court as and when directed.
5.	The I.O. is directed to take photographs of the above property (Four wheeler) from both side at the cost of the applicant and to prepare a panchnama before handing over the possession of the property to the applicant. Investigating Officer is further directed to file said photographs and panchanama along with final report, if any.

**( Raghavendra N. Dev )**

Judicial Magistrate First Class,  
Degloor, Dist. Nanded.

Date: 08/05/2026

**CERTIFICATE**

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.	Ganesh V. Kulkarni
Name of Court	Shri. Raghavendra N.Dev, C.J.J.D. and J.M.F.C., Degloor
Date of Dictation	08/05/2026
Judgment signed by the P.O. on	08/05/2026
Judgment/Order uploaded on	08/05/2026