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MHND140027862025



OMCA No.160/2025

**Gautam Vs. State of Maharashtra
Through Police Station, Degloor**

ORDER BELOW EXH.1 and 8

01. This is an application filed under section 503 of the Bhartiya Nagarik Suraksha Sanhita for releasing of Marcopolo Travel Bus bearing no. MH-14-BA-9350, chassis No. MAT454063A7K38095 and Engine No.497TC92KZY854249 seized in crime bearing No.503/2024 punishable under section 2281, 125(a) and 125(b) of BNS, 2023, registered with Degloor Police Station, Tal. Degloor, Dist. Nanded.

The brief facts giving rise to the present application:-

02. The applicant is the owner and possessor of the above claimed vehicle. During investigation of crime bearing no.503/2024, police seized above mentioned vehicle. Hence, this application.

03. During pendency of application, objection petitioner Md. Sohel filed objection petition and submitted that, he has purchased above seized vehicle from the registered owner Gautam Gaurang Roy on dated 28.10.2024 and to that effect one document of sell is executed by the registered owner in favour of him. Since then, the objection petitioner is in possession and enjoyment and use of vehicle and all insurance

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and permits were kept continue in the name of original owner but the amount is paid by him.

04. Objection petitioner further submitted that, on the day of accident the seized vehicle was in his possession. He further submitted that, due to some formalities and process, the vehicle was not got transferred in his name. He further submitted that, the registered owner is greedy person and in greed of money he filed present application behind back of him to deprive him from his right over vehicle. Objection petitioner further submitted that, the registered owner cheated him and suppresses the true facts from the Court and filed false affidavit and application in the court. Hence, he prayed to reject the application.

05. The applicant has filed his say at Exh. 12 and denied all the contentions of objection petitioner. He further submitted that, in eye of law objection petitioner having no any legal right to file application about the said seized vehicle. The present application of objection petitioner is not tenable and liable to be rejected.

06. The applicant also filed written argument at Exh. 15 and submitted that, he is registered owner of seized vehicle and he has never sold the seized vehicle to objection petitioner. All the documents is in the name of applicant. The applicant further submitted that, on 29.10.2024 he has executed sale deed in favour of objection petitioner but, due to

some formalities and non-payment of remaining amount the sale deed was cancelled. Hence, he prayed to reject objection application.

07. Heard the learned counsel of applicant and Ld. APP. Perused the application and record. The Investigation Officer has forwarded his say vide Exh. 05 and prayed to pass appropriate order. The learned APP filed his say at Exh.06 and prayed appropriate order may kindly be passed in the interest of justice.

08. The application is supported by verified copy of certificate of registration of vehicle in the name of the applicant, online copy of insurance papers, verified copy of complaint no. SCC 2088/2025, verified copy of sale deed, verified copy of notice, verified copy of vehicle particular and verified copy Aadhar card of applicant.

09. Applicant filed his application along with affidavit at Exh.02 and submitted that he is the owner of the vehicle seized by the police during investigation in crime no.503/2024.

10. Perused the application and say. Heard both sides. Perusing the documents on record it seen that, the applicant is the owner of the seized vehicle which is in the name of applicant vide verified copy of Certificate of Registration.

11. Considering the nature of vehicle, I am of the view that, no purpose would be served in keeping the seized vehicle

at the Police Station. The trial will take time. The possibility of the damage to the vehicle can not be ruled out if kept lying in the Police Station. Therefore, in such situation applicant is entitled to receive the above mentioned vehicle.

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

ORDER

1. The application Exh. 01 is allowed.
2. Objection petition Exh. 08 is rejected.
3. The property namely **Marcopolo Travel Bus bearing no. MH-14-BA-9350, chassis No. MAT454063A7K38095 and Engine No.497TC92KZY854249** seized in crime bearing No.503/2024 punishable under section 2281, 125(a) and 125(b) of BNS, 2023, registered with Degloor Police Station, Tal. Degloor, Dist. Nanded be handed over to the applicant on executing an indemnity bond of **Rs.5,60,000/-** (Rupees Five Lakh Sixty Thousand Only).
4. 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.

5. The applicant shall produce the property in the Court as and when directed.
6. The I.O. is directed to take photographs of the above property (Motor vehicle) 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.
7. Application Exh. 01 as well as objection petition Exh. 08 is disposed of.

Date: 24/03/2026

(Raghavendra N. Dev)
Judicial Magistrate, First Class,
Degloor, Dist. Nanded.

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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 Steno(LG)	Ganesh V. Kulkarni
Name of Court	Shri. Raghavendra N.Dev, C.J.J.D. and J.M.F.C., Degloor
Date of Dictation	24/03/2026
Judgment signed by the P.O. on	24/03/2026
Judgment/Order uploaded on	24/03/2026