

CNR No.MHND270002652026**ORDER BELOW EXHIBIT-1**
(PASSED ON 18/03/2026)

- Heard
- Perused

Applicant- Gadhe Nagorao Dhondiba has filed present application to return his vehicle (Dumper Tipper) bearing **Reg.No. MH-12-QG-6815, Engine No. 400952D0065890, Chasis No. MEC2416BFJP066059**, seized by Police Station Mudkhed, Tq. Mudkhed, Dist Nanded, in its Cri. No.39/2026, for the offence punishable under Section 302(2) and 3(5) B.N.S. Act.

02. It is contended by the applicant that, he is the registered owner and possessor of above mentioned vehicle, of which he has filed on record copy of Registration Certificate of vehicle vide [**Exh-5/2**], showing his ownership and further contended that, it was seized during investigation of Crime No.39/2026. Applicant prays being in need of said vehicle for his day to day work, he is ready to abide any of the conditions, which will be imposed by the Court for releasing the vehicle on Suprutnama/Bond. Hence, he has filed the present application to release the vehicle.

03. Say of Investigation Officer and learned A.P.P. called and they submitted that, if the vehicle is released, the applicant would continue the same offence again and to know in how many other offences, the same vehicle has been used, prayed to reject the application.

04. On the record , Copy of F.I.R. No.39/2026 vide [Exh. 5/1] of Police Station **Mudkhed**, Dist. Nanded along with the documents i.e. which is in the name of applicant and Aadhar Card vide [Exh.5/4] is filed, and other requisite documents in support of the applicant prayer which has been verified from the originals and are brought in the court and after verification, it appears applicant is the lawful owner of the seized vehicle.

05. Ld. Adv. for applicant has relied upon judgment in the case of *Pravin S/o Eknath Solanke, Vs. The State of Maharashtra CRIMINAL WRIT PETITION NO. 35 OF 2021*, it was observed and held that revenue authorities may exercise their own powers independently under section 48 of the MLRC which they can exercise irrespective of the passing of the order by Magistrate under section 457 of the Criminal Procedure Code. No any condition can be legally put which would prevent operation of an order passed by a Magistrate while passing order under section 457.

06. In an another judgment in the case of *Sundarbhai Ambalal Desai V/s State of Gujrat (AIR 2003 SC 638)*, wherein it was held that, by keeping the vehicle in police station till the decision of the case i.e. for uncertain period, no purpose will be served. In addition to above as far as the issue possession and title to be decided in such cases, in the case of *Jagannath Bapu Shirsath Vs. State of Maharashtra 2000 MCR 662*, wherein it was held by Hon'ble Bombay High Court Aurangabad Bench that handing over custody of the vehicle to the registered owner cannot adhered to in all the cases and the custody of vehicle should go to the adverse party who has superior right to possess and the Magistrate Court is not required to decide the question of title.

Considering above and keeping reliance on the above judgments, it would be proper to return the seized vehicle to the applicant by imposing certain conditions. Therefore, it would be proper to return the seized vehicle to the applicant by imposing certain conditions and proceed to pass following order:

ORDER

01. The application is allowed.
02. The vehicle (Dumper Tipper) bearing **Reg.No. MH-12-QG-6815, Engine No. 400952D0065890, Chasis No. MEC2416BFJP066059**, seized by Police Station Mudkhed, Tq. Mudkhed, Dist Nanded, in its Cri. No.39/2026, for the offence punishable under Section 302(2) and 3(5) B.N.S., be handed over to the applicant- Gadhe Nagorao Dhondiba, on executing Suprutnama/ Bond for Rs. 21,00,000/- (Rs. Twenty One Lakh only), till the final decision of the Case.
03. Applicant is directed to produce the seized vehicle as and when ordered by the Court and not to change its nature, alienate, gift, transfer, hypothecate the said vehicle or not to change it's identity, as well as is directed to produce photo copy of Registration Certificate and Insurance Policy of the seized vehicle, before Investigating Officer.
04. Investigating Officer is directed to take photographs of the seized vehicle by preparing detailed Panchnama and to submit the same before the Court.
05. Suprutnama/Bond be executed by the applicant before the Police Station Mudkhed Dist. Nanded.
06. Copy of this order, be sent to the Police Station Mudkhed Dist. Nanded Hamdast allowed, if required.

Date :18/03/2026.
Mudkhed.

Sd/-
(**Smt. Sheetal. P. Koul**)
Judicial Magistrate, First Class,
Mudkhed.

CERTIFICATE

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

Name of the stenographer : Swati Pawar
Court Name : CJJD, Mudkhed
Date : 18/03/2026
Judgment signed by the
Presiding Officer on : 18/03/2026
Judgment Uploaded on : 18/03/2026

