

ORDER BELOW EXH.19

(Passed on dated 31st May, 2018)

1] Present application came to be filed to release seized vehicle i.e. Maruti 800 Car bearing registration No. MH-31/H-3400.

2] It is contended that, applicant is owner of seized vehicle. Investigation in respect of crime is already completed. There is no need to detain the vehicle for the purpose of investigation. He is ready to abide conditions imposed by the court. Seized vehicle is used by him to attain his daily routine work. Since, vehicle is under seizure, his routine business are hampered. Applicant is ready to abide conditions impose by the court. Applicant is unable to pursue the application in person. Hence, he filed application through his power of attorney.

3] Complainant filed his say wherein he submitted that, investigation of the crime under which vehicle is seized is completed. He urged for passing appropriate order after verifying documents of aforesaid vehicle.

4] Perused application and say on it. Heard, Ld. Counsel for applicant and Ld. Counsel for complainant at length.

5] Applicant has filed copy of registration certificate and transfer certificate of seized vehicle. It appears that, seized vehicle was origanaly own by one Uttam Chavhan. Later on it was duly transferred to applicant.

Certificate issued by Regional Transport Officer reveals that, said vehicle is transferred to applicant. Thus, documents on record reveals ownership of applicant over seized vehicle. He has furnished copies of his Aadhar identity card and power of attorney.

6] *The applicant place on reliance upon Judgment passed by Hon'ble Madhya Pradesh High Court in **Jahagir Khan Vs. State of Madhya Pradesh** reported in **1988 Cri.L.J.1889**. In the above referred authority Hon'ble lordship observed that, Magistrate is empowered to release the seized property under section 50 of Wild Life Protection Act, 1972. Magistrate passing orders directing seized article to be given to registered owner for interim custody on bond. Magistrate has jurisdiction to pass orders even though cognizance on complaint is not taken.*

7] *In the case in hand vehicle came to be seized under section 50 of Wild Life Protection Act, 1972. The cognizance is already been taken by the court. The applicant filed documents showing his ownership over seized vehicle. The vehicle under seizure since 23/07/2015, its further detention will certainly cause risk of deterioration. Moreover, complainant himself has no hesitation to handover to interim custody of the vehicle to applicant. The investigation is over and matter is posted for recording evidences. As such no purpose will be serve by detaining the vehicle furthermore. Considering the above aspects in totality it will just and proper to release the seized vehicle in the interim custody of the applicant upon certain conditions. Hence, following*

order.

ORDER

- 1] *Application is allowed.*
- 2] *The seized vehicle i.e. Maruti 800 Car bearing registration No. MH-31/H-3400 in the interim custody of applicant upon furnishing security bond of Rs.3,00,000/-.*
- 3] *Applicant shall not tamper with naturality of the said vehicle.*
- 4] *Applicant shall not sale or transfer the above said vehicle in any manner till disposal off the trial arising out of Forest Crime No.29/6.*
- 5] *He shall produced the said vehicel as and when required by this court.*
- 6] *The investigation officer is directed to prepare the detailed panchanama and to take necessary photograph of the above said vehicle.*

Dated : 31.05.2018.

(Anup R. Abhyankar)
I/c. Judicial Magistrate, First Class,
KATOL.

S.S.C. No.174/2016

Anand ..vs.. Range Forest Officer, Katol

CERTIFICATE

I affirm that the contents of order are word to word as per original order.

*C.D.Gahukar
Stenographer(Lr.Gr.)*