

MHNG080001622025



SCC No.76/2025

St. Vs. Abhi @ Ashik

ORDER BELOW EXH.4
(Passed On 13.02.2025)

This is an application filed by the applicant **Ashik Ratnakar Nagpure** for interim custody of seized vehicle i.e. Unicorn on *supuratnama*.

2. Heard learned advocate for the applicant.

3. The learned advocate for the applicant submitted that, the applicant is the owner of Unicorn bearing registration No.MH-31-CW-8355, which is having Chassis No.ME4KC093E98062589 and its Engine No.KC09E1063733. However, it has been seized by the Police Station, Kanhan in connection with Crime No.733/2024 for the offence punishable under Section 12 of Gambling Act. The trial of the offence is yet to commence. The seized vehicle is parked in open premises, therefore, its likely to be rusted irreparable. On the other hand, the applicant is ready to abide by all the conditions imposed by the Court while releasing it in his favour. Hence, it is prayed that, the said vehicle may be released in his favour on *supratnama*.

4. Investigation Officer has not filed his say. The Ld. A. P. P. has filed her say and took objection to release the seized vehicle.

5. It is the matter of record that, the applicant has placed on record verified copy of Adhar Card of applicant, verified copy of vehicle registration certificate, online copy of insurance and copy of FIR. On scrutiny of these documents there is no hesitation to hold that, the applicant is the owner of the seized vehicle. Hence, the present applicant is entitled to get interim custody of the seized vehicle. As per the rule laid down by the *Hon'ble Supreme Court of India in Sundarbai Ambalal Desai Vs. State of*

Gujrath, it is held that, it is of no use to keep seized property at the police station for long period. The Magistrate has to pass appropriate order immediately by taking appropriate bond as a security for return of property if required at any point of time. Hence, considering say filed by prosecution, I.O and documents on record, I pass following order-

ORDER

- 1] The application is allowed.
- 2] The Police Station Officer, Kanhan is hereby directed to handover seized Unicorn bearing registration No.MH-31-CW-8355, which is having Chassis No.ME4KC093E98062589 and its Engine No.KC09E1063733 to the applicant on his due identification.
- 3] The applicant is directed to furnish indemnity bond of Rs.80,000/(Rs. Eighty Thousand only) before the Court.
- 4] The applicant is further directed not to change color and nature of the vehicle and not to sell, alienate or dispose of the vehicle till final decision of the case.
- 5] The applicant is directed to produce the vehicle as and when ordered and required by the Court.
- 6] The applicant is directed not to use this vehicle in any crime.
- 7] I.O. is directed to take appropriate photographs of the above said vehicle and also prepared detailed panchanama while handing over the vehicle to the applicant and submit it to this Court.

Place:Kamptee
Dated: 13.02.2025.

(Sagar S. Jadhav)
Judicial Magistrate F.C.,
Court No.2, Kamptee