MHNG090003162026	**CNR NO. MHNG090003162026** **Namrsen Bhimrao Dongre** **Through Power of Attorney** **Yogita Yogeshwar Karadbhajne** **Vs. State of Maharashtra P.S.** **Khapa**

ORDER BELOW EXH.1

This application is filed by applicant Shri. Namrsen Bhimrao Dongre, for the return of property namely, **Trolly, bearing registration no. MH-40-BJ-8627 having chassis no. PEST2710919 and engine no. NA000,** seized by Khapa Police Station in C.R.No. 306 of 2025 under Section 49, 303(2) read with Section 3(5) of the Bhartiya Nyaya Sanhita, Section 48(7)(8) of the Maharashtra Land Revenue Code and Section 4 read with section 21 of the Mines and Minerals (Development and Regulation) Act.

2. It is contended by the applicant that the said vehicle was seized by the Khapa police station. According to him, the said vehicle is lying in the police station and therefore, he prayed for its return. He, further, agreed to abide by the terms and conditions which will be imposed by the Court.

3. The say of the learned A.P.P and Investigating officer was called. The learned A.P.P and Investigating officer contended that the applicant will change the nature of the property and he will commit

similar offence. Hence, learned A.P.P and the Investigating officer prayed to reject the application.

4. Heard learned advocate for the applicant and learned A.P.P and Investigating officer. The learned advocate for the applicant argued that the applicant has purchased the said vehicle from Yogita Yogeshwar Karadbhajne. He has not received the registration certificate. The R.T.O. has given vehicle particulars to the applicant. The vehicle is in the name of Yogita Yogeshwar Karadbhajne. She has given power of attorney in the name of the applicant to file the present application. The learned A.P.P and Investigating Officer have objected to the present application.

5. Perused the documents filed along with the application. The application is supported by the affidavit of the applicant. The applicant is claiming himself as an absolute owner of the said vehicle. Accordingly, he has produced verified copy of Vehicle Particulars, verified copy of Aadhar card, verified copy of insurance, original copy of Power of Attorney and copy of F.I.R.

6. Here I would reply on ***Sunderbhai Ambalal Desai and anr V. State of Gujarat [AIR 2003 SC 638]*** wherein the Hon'ble Supreme Court held that 'Magistrate would take immediate action for seeing that powers under Section 451 Cr.P.C. are properly and promptly exercised and articles are not kept for a long time at the police station,.'

7. The above ratio of the case-law shows that the seized property has to be handed over to proper custody, pending trial, by the Magistrate instead of keeping it at the police station.

8. From the documents, the applicant appears to have the authority for taking the custody of the said seized vehicle on behalf of the owner Yogita Yogeshwar Karadbhajne. No person except the applicant has claimed the possession of the seized vehicle. Hence, no purpose will be served in keeping the seized vehicle lying in the police station. The possibility of damage to the seized property cannot be ruled out if it is kept lying in the police station. In such circumstances, it would be proper to handover the seized vehicle to the applicant, who prima facie appears to have the authority to take the custody, on the certain terms and conditions. In the result, I pass following order:

O R D E R

1. The application is allowed.

2. The concerned Investigating officer of Khapa police station is hereby directed to hand over the possession of the **Trolly, bearing registration no. MH-40-BJ-8627 having chassis no. PEST2710919 and engine no. NA000,** seized by Khapa Police Station in C.R.No. 306 of 2025 under Section 49, 303(2) read with Section 3(5) of the Bhartiya Nyaya Sanhita, Section

48(7)(8) of the Maharashtra Land Revenue Code and Section 4 read with section 21 of the Mines and Minerals (Development and Regulation) Act, if not required in any other case or crime, to the applicant, namely, Shri. Namrsen Bhimrao Dongre, on the execution of indemnity bond, consisting following conditions :

1. The applicant to undertake that he shall not sell, transfer, alienate or dispose of the above said vehicle, in any manner, till the conclusion of trial and without permission of the Court.

2. The applicant shall not change the nature of the above said vehicle, in any manner.

3. The applicant shall produce the above said vehicle in the Court as and when directed.

4. The applicant shall execute indemnity bond of Rs.1,60,000/-(Rupees One Lakh Sixty Thousand Only) before the concerned police station.

5. The concerned Investigating officer is directed to prepare detail panchanama of the

seized vehicle before releasing it in favour of the applicant.

6. The applicant shall furnish two colored photographs of the seized vehicle attested by applicant to the Investigating Officer, for the purpose of identification.

7. This proceedings be tagged with the case papers as and when final report is received in the said crime.

8. Intimate the concerned police station accordingly.

SONPARI MAHENDRA GADE

Digitally signed by SONPARI MAHENDRA GADE
Date: 2026.04.10 17:42:14 +0530

Place: Saoner
Date : 10.04.2026.

(S.M.Gade)
Judicial Magistrate First Class,
(Court No.3), Saoner.

C E R T I F I C A T E

I affirm that the contents of this PDF order are same word to word, as per the original order.

Name of Stenographer :- D. R. Aglawe