


<p style="text-align: center;"><b>MHNG090044352025</b></p> 	<p style="text-align: center;"><b>State of Maharashtra P.S. Khapa Vs. Roshan @ Pintu Gangadhar Wankhede</b></p>
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**ORDER BELOW EXH.1**

This application is filed by applicant Shri. Roshan Gangadhar Wankhede, for the return of property namely, Tractor, bearing registration no. MH-40-AM-0831 having chassis no. NKJW02343 and engine no. NKJW02343, seized by Khapa Police Station in C.R.No. 175 of 2025 under Section 303(2) read with Section 3(5) of the Bhartiya Nyaya Sanhita, Section 48(7)(8) of the Maharashtra Land Revenue Code, Section 4, 21 of the Mines and Minerals (Development and Regulation) Act, Section 3 of the Prevention of Damage to Public Property 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. Investigation regarding the seized vehicle is in progress. Hence, learned A.PP and the Investigating officer prayed to reject the application.

4. Heard learned advocate for the applicant and learned A.PP and Investigating officer. They argued as per their application and say.

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 registration certificate, verified copy of insurance certificate and verified copy of Aadhar card.

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.PC. 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. The charge-sheet is filed. Hence, the investigation is over. From the documents, the applicant appears to be the owner of the said seized vehicle. 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 be its owner, on the certain terms and conditions. In the result, I pass following order:

### ORDER

1. The application is allowed.
2. The concerned Investigating officer of Khapa police station is hereby directed to hand over the possession of the Tractor, bearing registration no. MH-40-AM-0831 having chassis no. NKJW02343 and engine no. NKJW02343, seized by Khapa Police Station in C.R.No. 175 of 2025 under Section 303(2) read with Section 3(5) of the Bhartiya Nyaya Sanhita, Section 48(7)(8) of the Maharashtra Land Revenue Code, Section 4, 21 of the Mines and Minerals (Development and Regulation) Act, Section 3 of the Prevention of Damage to Public Property act, if not required in any

other case or crime, to the applicant, namely, Shri. Roshan Gangadhar Wankhede, 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.5,00,000/- (Rupees Five Lakhs Only) for Tractor 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.

Place: Saoner  
Date : 17.02.2026.

(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 evidence are same word to word, as per the original evidence.

Name of Stenographer :- D. R. Aglawe