

..1..

MHNG100004022026



**Cri. M.A. No 30/2026**  
**Durgeshkumar - Vs. State**

**ORDER BELOW EXH. NO. 1**

**(Delivered on 04<sup>th</sup> April, 2026)**

The present application is filed by applicant for release of seized property i.e. Ashok Layland Ltd. 2518T IL Tipper bearing registration No. MH-40-BG-7750 by Police personnel Umred, Tah. Umred, Dist.Nagpur. Applicant has given following particulars of property.

Applicant Name	Durgeshkumar Shivshankar Bramhe
R/o	R/o. Plot No.31, Bhiwapur Road, Near Water Tank, Durga Nagri, Tah. Umred, Dist. Nagpur
Type of property	Ashok Layland Ltd. 2518T IL Tipper bearing registration No. MH-40-BG-7750 Engine No. GTPZ144444 Chassis No. MB1HTDFD5GPHW4693
Crime number	203of 2026
Offence punishable	281,105 of B.N.S.2023, r/w 184, 185, 134, 187, 4, 122, 177 of Motor Vehicle Act

2. It is the contention of the applicant that custody of the seized property is necessary for him. If it is not handover to him, he will face loss and damages. The property was owned and possessed by the applicant. He is ready to abide the conditions imposed by the Court upon him.

..2..

3. I.O. has filed his say vide Exh. 4 and objected the application. The RTO inspection of vehicle is pending.

4. APP has filed say and strongly opposed the application. The offence is serious in nature. The RTO examination has not yet done. If vehicle is released it will be used for commission of offence. Even, the applicant will change nature, colour and shape of vehicle. Hence, APP pray to reject this application.

5. Heard both sides. Perused the record. The Copy FIR is on record. The applicant has filed insurance, which is valid till 22.07.2026 The R.C.book is placed on record which reveals applicant is owner of vehicle. During the investigation property has seized by Police. On insurance of property the applicant's name is endorse as a insured name. The accused namely Prafull Bhojer has filed affidavit, and no objection to handover the custody of vehicle to applicant.

6. In the case of **Sundarbhai Ambalal Desai Vs. State of Gujrat AIR 2003 SC 638**, the Hon'ble Apex Court held that *“Whatever be the situation. It is of no use to keep such seized property at the police station for a long period. It is for Magistrate to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for return of the said property, if required at any point of time.”*

7. The seized property is lying at police station , if said property remain at police station for long time, the possibility of causing damages to the seized property cannot be ruled out. Further, it can be seen from the documents on record that the applicant is the rightful claimant of the

..3..

property and having right to possessed the concern property. Accordingly, he is entitled to get released said property. There is no other claimant over the seized property till today. No fruitful purpose would be served by detaining the seized property.

8. Thus, from the above facts and circumstances, I am view that the applicant is entitled for interim custody of the property. I therefore pass following order.

### **ORDER**

1. The application is allowed.
2. The Police officer, Tah. Umred, Dist.Nagpur is hereby directed to hand over the interim custody of the seized property i.e. Ashok Layland Ltd. 2518T IL Tipper bearing registration No. MH-40-BG-7750 Engine No. GTPZ144444 Chassis No. MB1HTDFD5GPHW4693 only in favor of the applicant on executing Supurtnama of Rs. 10,00,000/- (Rupees Ten Lac Only)
3. I.O. is directed to prepare the detailed panchanama of the property and take the photographs of the property. The applicant to bear the cost of photographs. The Photographs shall be filed to this Court along with report of police.
4. The applicant is directed not to sell, alienate, transfer or create any type of third party interest in the property till further orders of this Court.
5. The applicant shall not change the nature and colour of

..4..

the property.

6. The applicant shall not used the property in commission of any crime.
7. The applicant shall produce the seized property as and when required by the Court or by the I.O.
8. Supurtnama (Bond) shall be executed before the I.O.
9. The original Supurtnama and true copy of this order be kept with crime papers and be tagged with the charge sheet.
10. This application stands disposed off.

Date : 04.04.2026

(R.B. Dole)  
Judicial Magistrate First Class,  
Umred

..5..

**:- CERTIFICATE:-**

I certify that the contents of this PDF File are word to word as per Original Judgment /Order .

Name of the Steno :- R.A.Deshkar

Name of the Court :- Jt. C.J.J.D. & J.M.F.C., Umred

PDF Uploading Date :- 04.04.2026

Sd/- xxx  
Stenographer Gr. - III