

MHNG100004462026

**ORDER BELOW EXH.1 IN CRI.MISC.APPLN.NO.31/2026.**(Dated-16th March 2026)

By the instant application the applicant has filed this application under Bharatiya Nagrik Suraksha Sanhita, 2023 to release the seized vehicle on Supurtnama.

2] The applicant Ganesh Tarachand Selokar contended that **Tata Motors Ltd. Company Signa 3532. TK 8X4 BSVI tipper bearing registration No. MH-36-AB-3749** having **chases No. MAT569059S3F17734** and the **engine No.52F64486791**. This vehicle is seized by PSO Umred in **crime No.308/2026**. for the offence punishable under section 303(2) of BNS and section 48(7), 48(8) of MLR code read with section 4, 21 Mines and Minerals, regulation and development act 1957 and section 3 prevention of damages to public property act 1984 and section 15 Protection of Environmental Act as comprised in F.I.R. That the said vehicle is only earning source of income of his livelihood. If the vehicle laying in the sky, it will cause mechanical problem to the vehicle, he undertakes to produce the same vehicle before the Court as and when required. Lastly, prayed to release the said vehicle on execution of indemnity bond.

3] Say of investigation officer and general APP was came to be called. Investigation officer objected that he has file application to the Tahasildar, Umred for the sake of conducting inquiry to impose penalty on applicant. Therefore, he prayed to reject the application. The APP objected the application on the ground as contended by I.O.

4] Heard both side at length and perused the application, say and documents on record. It reveals that the applicant has produced verified copy of RC book, copy of insurance and verified copies of Aadhaar card. Perused the documents on record, it appears that, the present applicant is not the owner of the vehicle. However, he has taken these vehicle on rent as per verified copy of agreement (D-3). The original owner of vehicle namely Mithun Yogeshwar Selokar also appeared before the Court and filed affidavit at (Exh.4) and he admitted the contents of agreement as discussed supra. He does not have any objection to release the vehicle on the Supurdnama bond, R.C. book contended his name. Therefore, it appears that he is the owner of the seized vehicle and he has given the vehicle on the rent to the present applicant.

5] It reveals that said vehicle has seized by police in **crime No. 308/2026** for the offence punishable under section 303(2) of the BNS, 2023 and section 48(7),(8) of MLR code as comprised in FIR. According to investigation officer that he has filed an application to the Tahsildar, Umred for conducting inquiry against the said vehicle as per MLR code. However, considering the say of investigation

officer, it reveals that there is no any documents on record which shows that the Tahsildar has initiated any proceeding against the applicant. In this regard I gone through the judgment of Hon'ble Bombay High Court, bench at Nagpur in the case Ashok Narayan Deshmukh versus state of Maharashtra in criminal repetition number 33/2023. it is held by the Hon'ble Court that,

the provision under section 451 and 457 of the code of criminal procedure and the provision under MLR code, or operate independently, and therefore, there is no bar to revenue authority to proceed with the proceeding under the MLR code, rather they are bound to do so, but strictly in accordance with the provision of MLR code and any other law for the time being in force. The revenue authorities are at liberty to proceed with proceeding under MLR code in accordance with the law.

6] Thus, admittedly, the said vehicle is seized by PSO Umred in **crime number 308/2026** for the offence punishable under section 303(2), BNS,2023 and 48(7)(8) of MLR Code. There is no any document on record to show that, till today any proceeding under MLR code has been initiated against the applicant by the Tahasildar Umred. Therefore, if the seized vehicle kept in police station in the same condition, then there is a very possibility that it's utility value may become less. It is also coming on record, as per section 47(7), 48(8) of MLR Code have also registered against the applicant. Therefore, the ratio laid

down in **Ashok Narayan Deshmukh** case, the proceeding under MLR code is separate proceeding. It appears from, the record, firstly the vehicle was seized by police under section 303(2) of BNS. Therefore, only in respect of section 303(2) BNS is applicable to the present case, and as regarding to the provision of MLR code, the revenue authority has liberty to proceed against the applicant as per provision under MLR code. Therefore, considering the circumstances on record, no propose will suffice by detaining the vehicle. Hence, in view of entire discussion made herein above, present applicant is entitled to interim custody of the vehicle. Hence, I pass following order

O R D E R

- 1] The application is allowed.
- 2] The custody vehicle **Tata Motors Ltd. Company Signa 3532. TK 8X4 BSVI tipper bearing registration No. MH-36-AB-3749** having **chases No. MAT569059S3F17734** and the **engine No. 52F64486791**. This vehicle is seized by PSO Umred in **crime No.308/2026** be handed over to the applicant namely **Ganesh Tarachand Selokar** on executing an indemnity bond of Rs.30,00,000/- (Rupees Thirty Lack Only) subject to following terms and conditions that the vehicle should be kept as it is, and its nature should not be changed in, anyway.
- 3] That the same should not be sold or in any other way till the decision of the trial in this crime. That the

same shall be produced as directed by the court during the trial in this crime. I. O. shall verify the insurance of vehicle and then hand over the custody of it.s

- 4] The applicant shall provide the necessary document in respect of seized vehicle. The investigation officer shall take photographs of the vehicle at the cost of the applicant and get them attested by taking signatures of the applicant thereon. I. O. shall prepare detail panchanama before panch.
- 5] Proceeding shall attach with the charge sheet.

Dt:16.03.2026

(R.S.Mankar)
2nd Jt. Judicial Magistrate First Class,
Umred

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment are same, word to word, as per the original Judgment.

Name of the Stenographer :S.B.Ghardinkar,
Stenographer(G-III)

Name of the Court : 2nd Jt. C.J.J.D. &
J.M.F.C.,Umred.

Date of Order : 16.03.2026

Original copy of order signed by

the presiding officer on : 16.03.2026

PDF copy of order

uploaded on : 20.03.2026