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MHNG100004472026



Cri. M.A. No 32/2026
Tushar - Vs. State

ORDER BELOW EXH. NO. 1

(Delivered on 01st April , 2026)

The present application is filed by applicant for release of seized property i.e. SIGNA 3530. TK 8X4 BSIV bearing registration No. MH-40-CT-9405 and Hundai Motor India Ltd. CRETA 1.5 CRDI MT E bearing registration No. MH-49-BK-5002 by Police personnel Umred, Tah. Umred, Dist.Nagpur. Applicant has given following particulars of property.

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| Applicant Name | Tushar Anil Dhawde |
| R/o | R/o. Plot No. 236, Tidke Layout, Tarodi Khurd, Kamtee, Tah, Kamtee, Dist. Nagpur |
| Type of property | SIGNA 3530. TK 8X4 BSIV bearing registration No. MH-40-CT-9405 , Engine No. B6.7B62300D03152D64466133 Chassis No. MAT569006S3D10372 and Hundai Motor India Ltd. CRETA 1.5 CRDI MT E bearing registration No. MH-49-BK-5002 Engine No. D4FALM103605 Chassis No. MALPA813LLM083197 |

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| Crime number | 202 of 2026 |
| Offence punishable | 109, 132, 303(2) 49 of B.N.S., Section 48(7) (8) of Mh.L.R Code. |

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

3. I.O. has filed his say vide Exh. 5 and opposed the application. The offence is serious, RTO Nagpur and Tahsildar has communicate about to initiate penalty proceeding. The S.D.M. Umred has imposed penalty of Rs. 4,42,300/- upon the vehicle. If vehicle is released, possibility the applicant will not deposit the penalty amount, ultimately loose the Government revenue. So, he prayed to reject the application.

4. Informant has filed say vide Exh. 07. He opposed the application. The informant in the present crime is SDM. Informant objected the application. Informant narrated the incidence, as mentioned in FIR. The informant has initiate confiscation proceeding while Maharashtra Land Revenue Court Section 48 (8) (2). It was still pending. If vehicle is released possibility to loose Government revenue. Hence, prayed to transfer the vehicle to Revenue Department.

5. APP has filed say and strongly opposed the application. The applicant has claimed two vehicles. The CRETA Car is used for to deter public servant like SDM, who is discharging his public duty. The sand was carried without any

authority. If, vehicles are released used loss to revenue department. The Tipper is seized from Rajat Rohankar. The S.D.M. Umred, has passed order dt. 25.02.2026 for recovery of penalty. If vehicles are released it will be used for commission of same type of offence. Hence, APP pray to reject this application.

6. Heard both sides. Perused the record. The Copy FIR is on record. The applicant has filed insurance of Tata Tipper, which is valid till 01.05.2026. The R.C.book is placed on record which reveals applicant are owner of vehicles. During the investigation vehicles were seized by Police. On insurance of property the applicant's name is endorse as a insured name. The vehicle CRETA is having no insurance. The accused Rajat has filed affidavit and no objected to handover the custody of Tipper and Creta to the applicant. The affidavit is placed on record vide Exh. 08.

7. 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.”*

8. The informant has initiate the confiscation proceeding. But, the police officer has seized the property. Presently, the vehicles are in custody of the police officer. It means informant has started confiscation proceeding when the vehicles are in custody of police officer. The seized property is lying at police station , if said property remain at police station

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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 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.

9. 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. SIGNA 3530. TK 8X4 BSIV bearing registration No. MH-40-CT-9405 , Engine No. B6.7B62300D03152D64466133 Chassis No. MAT569006S3D10372 only in favor of the applicant on executing Supurtnama of Rs. 20,00,000/- (Rupees Twenty Lac Only) and Hundai Motor India Ltd. CRETA 1.5 CRDI MT E bearing registration No. MH-49-BK-5002 Engine No. D4FALM103605 Chassis No. MALPA813LLM083197 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 both vehicles and take the photographs of the vehicles.

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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 both vehicles till further orders of this Court.
5. The applicant shall not change the nature and colour of the both vehicles.
6. The applicant shall not used the both vehicles in commission of any crime.
7. The applicant shall produce the seized vehicles 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. The applicant is directed to renew the insurance of CRETA within 8 days from the date of this order and file copy of insurance on / before I.O.
11. This application stands disposed off.

Date : 01.04.2026

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

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-: 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

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