

Criminal M. A. No. 62/2026

Amol Manohar Gate
v.
State of Maharashtra.

ORDER BELOW EXH 1

Present application is filed under section 503 of Bharatiya Nagrik Suraksha Sanhita seeking interim custody of vehicle seized by Police Station Ramtek.

2] Applicant submits that he is the owner of TROLLEY bearing registration No MH 40 CA 3627 (Chasis No SA182512020). The said vehicle has been seized by, Ramtek Police in Crime No 197/2026. Being owner, he is entitled to get interim custody. Thus, he has prayed for interim custody of the vehicle

3] Say of Learned APP and I.O. was called. Investigation officer and Learned APP opposed the application stating that the said vehicle is used in commission of offence punishable under section 303(2), 3(5) of Bhartiya Nyay Sanhita and if released, there is a likelihood of use of the said vehicle again for the commission of the said offence.

4] I have heard submissions of Learned Advocate for the applicant and Learned APP for the State.

5] Undisputedly the vehicle is seized by Ramtek Police station in crime No 197/2026 and is in their custody. The say filed by the State does not disclose that any confiscation proceeding is initiated in respect of seized vehicle. Therefore, I do not find any hurdle to entertain this application Cri.M.A.No.62/2026.

6] In the case of **Sunderbhai Ambalal Desai Vs. State of Gujrat, [2003 SCC (Cri.) 1943]**, Hon'ble Supreme Court held that;

"In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of said vehicles, if required at any point of time. This can be done pending hearing of application for return of such vehicles. In case where the vehicle is not claimed by the accused, owner or the insurance company or by a third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with insurance company, then the insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner, or a third person. If the insurance company fails to take possession, the vehicle may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of said vehicle before the Court. In any case, before handing over such vehicles, appropriate photographs of said vehicle should be taken and detailed panchanama should be prepared."

7] Having regard to decision in the case of ***Sunderbhai Desai*** (supra), the seized vehicle deserves to be released. Applicant has produced copy of RC Book. The documents bear the name of present applicant over them. Considering the documents and say filed on record, it would be appropriate to return the vehicle after imposing certain conditions. Therefore, the applicant is entitled to get interim custody of seized vehicle. Consequently, following order is passed.

ORDER

- 1] Application is allowed.

- 2] The interim custody of the seized vehicle TROLLEY bearing registration No MH 40 CA 3627 (Chasis No SA182512020) be given to the applicant till the conclusion of trial subject to condition that the applicant shall file indemnity bond of Rs.1,50,000/.

- 3] The applicant shall not use the vehicle for commission of offence.

- 4] The applicant shall not create third party interest in the seized vehicle in any manner.

- 5] The applicant shall produce the seized vehicle as and when directed by the court and shall produce it before the Investigation officer during investigation, if required.

6] The investigation officer shall take photographs of seized vehicle and prepare panchanama before handing over the said seized vehicle to the applicant.

7] The investigation officer shall submit photographs and panchnama along with charge sheet.

Date: 11/03/2026

(A.A Shirvalkar)
Judicial Magistrate First Class
Ramtek.