



**ORDER BELOW EXH.01**  
(Passed on 16/03/2026)

This is an application for custody of seized vehicle Tata Tipper.

1. The applicant submitted that the Police Station, Parseoni registered crime bearing FIR No.597/2025 against the accused for offence punishable under section 303(2) of Bhartiya Nyaya Sanhita, 2023 r/w Section 48(7), 48(8) of Maharashtra Land Revenue Code r/w Section 7, 21 of Mines and Minerals Act r/w Section 3 of the Prevention of Damage to Public Property Act, r/w 15 of Environment Protection Act and seized vehicle Tata Tipper bearing registration No. MH 40 BL 5036, Engine No. 81J84821360, Chassis No. MAT448236JAK22372. The applicant is a owner of seized vehicle Tata Tipper therefore, applicant is entitled for the possession of said vehicles.

2. The applicant has placed on record aadhar card, a copy of registration certificate of said Tata Tipper, insurance copy and prayed the custody thereof.

3. The Learned I.O. filed his say at Exh.05 and opposed the application with submission that if the said Tata Tipper released on supratnama he may commit similar offence again. Accused is habitual offender, the similar offence are registered in P.S.Khaperkheda, P.S. Koradi, P.S.Parseoni. The investigation is in primary stage if vehicle release it will create obstruction in the investigation. Communication has been made to the Tahsil Office and Regional Transport Office to impose the penalty on said vehicle.

4. The learned APP had filed and opposed the application and also submitted that The applicant has been involved in illegal sand transport and an offence has been registered against him. It shows that the applicant is using the subjected vehicle in illegal activities. If the subjected vehicle release then applicant will against use the vehicle in same type of offence and prayed for the rejection of application.

5. Learned advocate for the applicant relied upon judgment in *Milind S/o Kachroba Waghmare Vs. The State of Maharashtra*, Criminal Writ Petition No.1510/2020 passed by the Hon'ble High Court Judicature at Bombay Bench at Aurangabad in which the Hon'ble High Court held that “ *The seized vehicle not be released in favour of applicant until the payment of fine amount imposed by concerned revenue authority*” no such condition can be legally put which would prevent operation of an order passed by the learned Magistrate under Section 457 of the Code of Criminal Procedure. The

Hon'ble High Court further held the Revenue Authority may invoke the provision and the power under the Maharashtra Land Revenue Code and passed appropriate order and take suitable step for its enforcement. The Magistrate while passing the order under Section 457 shall not carry any impression of their being any impediment in exercising his power. Considering the ratio of said Authority no needs to impose any condition that order passed in present application shall be without prejudice to the power of Executive Magistrate to proceed pursuant to the provision of Section 48 of Maharashtra Land Revenue Code and Mines and Mineral Act.

6. I have verified the documents on record. The above documents evidently shows that the applicant is the owner of said Tata Tipper. Except the applicant no one has claimed the ownership of said Tata Tipper. In my view ground submitted learned APP is not sufficient to reject the said application. No useful purpose will be served in keeping the same at police station. Furthermore, in the case of **Sundarbhai Vs. State of Gujarat, (2002) 10 SCC 283**, the Hon'ble Supreme Court has issued direction. As considering such direction It is no used to keep such seized Tata Tipper at police station for long period. If said Tata Tipper kept in police station it losses its roadworthiness if it kept stationary in the police station. Therefore it is just to allow the application. Hence, I pass the following order.

**ORDER**

1. The application is allowed.
2. The Police Station Officer, Police Station, Parseoni is directed to hand over the custody of seized Tata Tipper bearing registration No.MH 40 BL 5036, Engine No.81J84821360, Chassis No.MAT448236JAK22372 to the applicant Swapnil S/o Ramdasji Tarhekar
3. The applicant shall execute and indemnity bond of Rs.10,00,000/- (Ten Lakh Rupees Only).
4. The applicant shall not change the nature of said vehicle Tata Tipper nor shall alienate the same in favour of any person.
5. I.O. to take appropriate photographs of the above said vehicle Tata Tipper before handing over the possession and detailed panchnama should be prepared.

Date: 16/03/2026

**(G.O.Wankhade)**  
Judicial Magistrate First Class  
Parseoni

## **CERTIFICATE**

I affirm that the contents of this P.D.F. file of order are word to word correct, as per original order.

Name of Stenographer-A. B. TAMGADGE (Grade-III)