

MHNG140005102025



**Cri. M. Appl. No.54/2025**  
M/s. Armaco Infralinks VS State

**ORDER BELOW EXH. 01**  
(Passed on 11<sup>th</sup> March 2026)

This is an application for custody of seized vehicle TIPPER.

2. The applicant submitted that the Police Station, Parseoni registered crime bearing FIR No.150/2025 against and seized TIPPER bearing Registration No. MH-34-BZ-1639 Chassis No.MB1XEVL4NRJX3723 Engine No. NJEZ701173.The applicant is a owner of seized vehicle TIPPER. Applicant is the exclusive owner of said vehicle therefore, applicant is entitled for the interim custody of seized vehicle on supratnama.

3. The applicant has placed on record aadhar card, a copy of registration certificate, copy of application as per rule 8, registration certificate of Armaco Infralink Pvt. Ltd. And copy of authority letter, copy of insurance

4. The learned APP had filed his say on Exh. 1 and strongly opposed the application with submission that vehicle is not insured as no document is on record without insurance such type of vehicle cannot allowed to run on road and prayed to strict condition be impose also submitted that the present applicant is

not cooperating in the investigation. In the investigation it reveals that Amar Lanjewar has taken seized vehicle on rent basis from the applicant company but applicant company did not provide rent agreement to the I.O. Hence, prayed for the rejection of the applicant.

5. The Investigation officer filed say at Exh. 5 and submitted submitted that if seized vehicle released on supratnama there largest possibility that said vehicle will be used for illegal transportation of sand.

6. Heard learned advocate for the applicant and learned A.P.P. Learned advocate for the applicant relied on the judgment of Hon'ble Bombay High Court, Bench at Nagpur in Prabhudas @ Prabhakar S/o Keshav VS The State of Maharashtra in paragraph No. 8 it is held that *"In my view, as of today, there are allegations of commission of crime with the help of said vehicle, which was allegedly involved in earlier crime, only on the basis of first information report these are simply allegations which are required to be proved by the prosecution. The trial will take considerable time, till then, it is not desirable to keep the said vehicles in idle condition for indefinite period as held in Sunderbhai Ambalal Desai VS. State of Gujrat."* and 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.

7. I have verified the documents on record. The offence is registered against the accused for the offence punishable u/sec. 303(2),49 of Bharatiya Nyaya Sanhita, 2023 ; 48(7)(8) of Maharashtra Land Revenue Code , Section 4/21 of Mines and Minerals Act and seized vehicle the above document evidently shows that the applicant company is the owner of said vehicle TIPPER and Shubham Rajeshkumar Jain is authorized person to obtain the custody of seized vehicle. Except the applicant no one has claimed the ownership of said vehicle 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 motorcycle at police station for long period. If said motorcycle 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 vehicle TIPPER bearing Registration No. MH-34-BZ-1639 Chassis No.MB1XEVL4NRJX3723 Engine No. NJEZ701173 to the authorized person of Armaco Infralinks Pvt ltd. Shri. Shubham Rajeshkumar Jain
3. The applicant shall execute and indemnity bond of Rs.5,00,000/- (Five Lakh Rupees Only).
4. The applicant shall not change the nature of said vehicle TIPPER nor shall alienate the same in favour of any person and shall not commit similar kind of offence.
5. I.O. to take appropriate photographs of the above said vehicle TIPPER before handing over the possession and detailed panchnama should be prepared.

Date: 11/03/2026

**(G.O.Wankhade)**

Judicial Magistrate First Class  
Parseoni

## **CERTIFICATE**

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

Name of Stenographer –

A. B. Tamgadge (Stenographer Grade-III)