

MHNS130001032026



Cri.M.A./10/2026

Ramjan Sandu Shaikh

Vs.

State Through Police Inspector

ORDER BELOW EXH.1 IN
CRIMINAL MISCELLANEOUS APPLICATION No.10/2026

01] This application is filed under Section 503 of the B.N.S.S. for seeking custody of Volkswagen Vento bearing registration No.MH/04/FZ/3896 recovered by Pimpalgaon Police Station in Crime No.266/2025 for the offences punishable under Section 303(2) of BNS,2023.

02] I.O. filed say (Exh.5) and stated that the said vehicle recovered from the possession of the accused. The applicant did not cooperate in the investigation of the offence. The other accused persons involved in the present offence. It cannot be ruled out that the said vehicle might have been used in other similar offences.

03] Learned APP filed say (Exh.6) and resisted the application on the grounds that the vehicle might have been used with forged number plates to commit the crime. The seized property may be an important evidence in the offence and there is a possibility that further crimes may be detected based on the investigation of the said vehicle. If the seized vehicle is returned to the

applicant, there is possibility that the vehicle may be transferred, altered or tampered with. Thus, the application may be rejected.

04] Heard the learned advocate for the Applicant and Ld. APP and perused the record.

05] The applicant has produced verified copy of R.C.Book, Aadhar Card and copy of FIR. It reveals that the vehicle is registered in the name of the applicant.

06] After perusal of application supported by affidavit along with documents produced on record it reveals that the applicant is lawful owner of the seized vehicle. The accused has filed his say (Exh.08) and affidavit (Exh.09) stating his no objection to allow the application.

07] No person other than the applicant has claimed custody of the said vehicle. No purpose would be served by keeping the vehicle at police station during pendency of trial. In these circumstances, no harm will be caused if the custody of said vehicle is temporarily given to the present applicant.

08] The Hon'ble Supreme Court in case of *Sunderbhai Desai and C.M. Mudliar Vs. State of Gujarat*

reported at AIR 2003 SC 638, has laid down that if seized vehicle is kept in the custody of police station, there is possibility that vehicle seized and kept in police stations, not only do they occupy substantial space in the police stations but they are prone to fast natural decay on account of weather conditions. Hence, I pass following order:-

ORDER

- (i) Application is allowed.
- (ii) Office In-charge of Pimpalgaon Police Station is hereby directed to return custody of Volkswagen Vento bearing registration No.MH/04/FZ/3896 recovered by Pimpalgaon Police in Crime No.266/2025.
- (iii) The applicant shall execute a bond of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) for the release of seized vehicle till final disposal of the case.
- (iv) Office In-charge of Pimpalgaon Police Station further directed to prepare detailed proper panchanama before handing over possession of the vehicle for the purpose of its use in evidence instead of its production before the Court during trial attested by two witness and countersigned by the applicant, together with its photograph at the cost of the applicant.
- (v) Applicant is further directed not to dispose of, transfer or in any way alter the nature, colour and look of the vehicle after its release till final decision of the trial and shall make it available for its identification, if required by the Court.

(vi) Record of this proceeding be tagged to final report/ charge-sheet arising out of Crime No.266/2025 of Pimpalgaon Police Station.

Sd/-

(**A. J. Patil**)

Judicial Magistrate, F.C.
Pimpalgaon (B).

Date : 10/03/2026

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