

CNR:MHNS130001092026 	<u>Cri.M.A.14/2026</u> Omkar Pawar Vs. Ozar Police Station
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Order below Exh.1

1. Applicant has presented this application u/S 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking interim custody of Bajaj Company's Pulser 220 Two Wheeler bearing registration No.MH-15-JJ-5058 Chassis No. MD2A13EX5PCL54107, Engine No.DKXCPL47046 (hereinafter referred to as '**seized vehicle**') seized in connection with C.R. No. 257/2025 registered at Ozar Police Station for the offence punishable Section 303(2) of Bhartiya Nyaya Sanhita.
2. It is submitted by the applicant that, the vehicle has been seized by the police during the course of investigation at the hands of accused. The applicant requires the custody of the seized vehicle. Therefore, this application.
3. Investigating Officer has filed his say. He submitted that the applicant is the original owner of the said vehicle. Therefore, it is prayed that the custody of seized vehicle may kindly be given on appropriate conditions.
4. Learned A.P.P. submitted his say and objected the application. He submitted that the seized vehicle is primary evidence of said offence. Applicant has not placed sufficient documents for his entitlement of the seized vehicle. There is possibility of transferring or alienating the said vehicle. The possibility of changing the condition of the said vehicle cannot be ruled out. Hence, he prayed that application may kindly be rejected.
5. The points for determination along with my findings thereon are as under -

<u>P o i n t s</u>	<u>F i n d i n g s</u>
[1] Is the applicant entitled for interim ... custody of seized vehicle?	YES.
[2] What order ?	... AS PER FINAL ORDER.

REASONS

As To Point No.1 :

6. In support of contentions in the application, the applicant has filed copy of R. C. Book of seized vehicle, copy of FIR, and copy of Adhar Card of applicant.

7. Perused the record. On the perusal of said R.C. Book it appears that, the seized vehicle is registered in the name of applicant. Applicant claimed the seized vehicle being its owner. No one else has claimed the seized vehicle. This shows that, there is no other claimant for the seized vehicle other than this applicant. No purpose would be served by keeping the seized vehicle in police station. On the perusal of all documents filed by the applicant and matter on record, it reveals that, the applicant is entitled to have interim custody of the seized vehicle.

8. In **Perichi Gounder v/s Tamilnadu State, 2024**, Hon'ble Supreme Court held that keeping vehicle idle is not serving anybody's interest. Therefore, public space is occupied.

In **Sunderbhai Ambalal Desai V/s State of Gujrat reported in AIR 2003 SC 638** it was held by the Hon'ble Apex Court that, "seized muddemal should be released as keeping it in open, could cause harm to the said muddemal".

9. The applicant is ready to abide by conditions imposed. The said vehicle need not be kept in police custody in an unused condition. It would certainly hamper its conditions. Therefore, the applicant is entitled to have interim custody of seized vehicle. Accordingly, **point no. 1** is answered in the

affirmative.

As To Point No.2 :

10. In answer to point no. 2, following order is passed,

ORDER

- (1) The application stands allowed as under -
- (2) The Officer-in-charge of the Ozar Police Station is directed to hand over interim custody of Bajaj Company's Pulser 220 Two Wheeler bearing registration No.MH-15-JJ-5058 Chassis No. MD2A13EX5PCL54107, Engine No.DKXCPL47046 (hereinafter referred to as '**seized vehicle**') seized in connection with C.R. No. 257/2025 of Ozar Police Station after due identification and verification of the ownership documents.
- (3) The applicant shall furnish Bond / Supurtnama of Rs.80,000/- (Rs. Eighty Thousand Only).
- (4) The applicant shall undertake that he would not alienate, sell or transfer the said vehicle or change it's condition, in any way till final conclusion of trial.
- (5) The applicant shall produce two photographs showing registration number of said vehicle, signed by the applicant and counter signed by the Investigating Officer/PSO on record.
- (6) The I.O. shall carry out detail panchanama of handing over delivery of said vehicle as per aforesaid directions.
- (7) Investigating Officer shall furnish Supurtnama, photographs and panchanama alongwith the charge-sheet/ final report, if any, submitted in C.R. No.257/2025.
- (9) The true copy of the order be tagged with the Charge-Sheet/ final report, if any, submitted in C.R. No. 257/2025.

Date : 04/04/2026

(P. D. Kolekar)
Judicial Magistrate First Class,
Pimpalgaon(B.)