

In the Court of Special Judge (Atro.) Osmanabad
(Presided over by Shri. Rajesh S. Gupta)

ORDER BELOW EXH. 18 IN SPECIAL CASE (SC & ST)
NO. 99/2022

CNR No. MHOS-01002892-2022

State of Maharashtra

.. Prosecution

V/s.

Satish alias Bapu Balasaheb
Suryawanshi

... Applicant.

Application for return of property i.e. Honda Shine motorcycle bearing registration No. MH-25-AR-5914 seized in CR No.182/2022 of Osmanabad Rural Police Station.

Ld. Advocate Shri. A.A. Deshmukh for the applicant.
Ld. PP Shri. S.B. Jadhavar for the State

1] Present application is preferred for return of property under Section 451 of Code of Criminal Procedure i.e. Honda Shine motorcycle bearing registration No. MH-25-AR-5914, chassis No. ME4JC65CMKD072518, Engine No. JC65ED0286834 seized in CR No.182/2022 of Osmanabad Rural Police Station, Dist. Osmanabad for the offence punishable under Section 307, 323, 324, 326, 327, 504 r.w. section 34 of the IPC and Section 3(2)(b), 3(2)(va), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2] I.O. filed say at Exh. 11, It is their submission that they have no objection to return seized motorcycle to the applicant on

imposing conditions.

3] Ld. Adv. for the applicant submitted applicant is the registered owner of the motorcycle. It is further submitted that the motorcycle is required to the applicant for his daily work. It is further submission that R.C. book and other relevant documents pertaining to the vehicle stands in the name of the applicant. He is ready to abide all the terms and conditions and will not dispose of the vehicle nor the change the design and colour until further orders.

4] I have carefully perused the application, say filed by I.O. and documents annexed therewith. Admittedly RC book stands in the name of the applicant.

5] Vehicle is seized and in custody of police and is lying in the Police Station since September-2022.

6] On considering the involvement of the said vehicle in the crime, investigation is completed and charge sheet is filed.

7] Ld. Advocate for applicant urged that the applicant undertakes he will not change the original colour and design of the vehicle. Only the repairing work without changing shape and affecting the colour, design will be conducted by the applicant, if required and that with prior permission of the Court and informing concerned police station.

8] Considering the nature of the property, it is noted that keeping ideal without use the vehicle will become rustic and moreover the engine of a vehicle may also damage and moreover the vehicle stands in the name of the applicant/ accused.

9] In the said fact and circumstances, considering the fact that the investigation is completed charge-sheet is filed, no purpose will be served by said vehicle to be kept lying in the police station. That will definitely not serve any purpose for further investigation. The stringent conditions can be imposed.

10] Taking into consideration and on perusal of the documents along-with the application I am inclined to pass the following order :-

ORDER

1. The application is allowed.
2. The property i.e., Honda Shine motorcycle bearing registration No. MH-25-AR-5914, chassis No. ME4JC65CMKD072518, Engine No. JC65ED0286834 seized in CR No.182/2022 of Osmanabad Rural Police Station be returned to the applicant on executing an indemnity bond of Rs.50,000/- (Rs. Fifty thousand only) on Supurtnama to be drawn accordingly.
3. The investigation agency is directed to take the photographs of the vehicle and prepare panchanama to that effect and to keep the all certified copies of relevant documents in regards to the vehicle.
4. The applicant is directed not to dispose the vehicle nor to create third party interest neither she should handover or allow third person to drive the vehicle till conclusion of trial and to produce the same as and when called by the police and Court during the trial.
5. The applicant is further directed not to change the colour, shape and design of the vehicle and not to make any modifications to it.

6. It is further directed in case of damage to the vehicle due to accident or any untoward incident, the same should be immediately reported to concerned police station before carrying out any repairing work.
7. I.O. is directed to inform concern R.T.O. not to transfer the said vehicle to third party and if any application is received in this regard R.T.O. shall inform concern police station.
8. Application is disposed off with the above directions.
9. Inform concerned police station accordingly.

Date : 10/07/2023

(Rajesh S. Gupta)
Special Judge (Atro) Osmanabad.

CERTIFICATE

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

Name of Stenographer	---	L.S.Patil Stenographer Grade-I
Court	---	District Court-1 & Addl. Sessions Court, Osmanabad.
Date	---	10.07.2023
Order signed by the Presiding Officer on	---	10.07.2023
Order uploaded on	---	11.07.2022