

<u>MHGO030055362026</u> 		<u>ORDER BELOW EXH. 1</u> <u>IN OMCA NO. 333/2026</u> <u>Adesh v. State of Mah.</u> <u>through R.P.F. Gondia.</u>
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1- This is an application filed by Adesh s/o Mulchand Dhodre for releasing Tata ace bearing registration No. MH-35-AJ-1976, Chasis No. MAT559004LZN21327 & Engine No. 700CCDI02NZXS76557, which seized in crime No. 1768/2026 by Railway Police Station Gondia. Learned APP and investigating officer filed their say.

2- Perused say of Learned A.P.P. and Investigating Officer. They have objections to hand over the interim custody of seized vehicle.

3- Perused the application and say. Heard learned Advocate for the applicant and learned APP. Learned Advocate for the applicant submitted that, the applicant is owner of Tata ace bearing registration No. MH-35-AJ-1976, Chasis No. MAT559004LZN21327 & Engine No. 700CCDI02NZXS76557, which seized in crime No. 1768/2026. Railway Police Station Gondia, for offence punishable under Sections 160(2), 154, 159 of the Railway Act, 1989. Now, it's lying at the Railway Police Force Gondia, therefore, he filed this application, he is ready to undertake that, he will not change the nature of the vehicle and ready to produce it, in the Court as and when required.

4- Applicant has filed verified copies i.e. R.C. book of vehicle, photo copy of insurance, photo copy of FIR and his Aadhar Card. From perusal of the documents filed on record it appears *prima facie* that, present applicant is an owner of seized property. Record shows that, no one appeared and raised any objection to the present application. So also, apart from the applicant no one has claimed seized muddemal property. Therefore, considering the FIR and documents on record, *prima-facie* the applicant is seen to be a person who is entitled for the interim possession of seized property.

5- If the seized vehicle is kept in the premises of the railway police station, then there is possibility that, said seized vehicle will be rusted and will become useless day by day. Hence, it would be proper to return the seized vehicle property to the applicant on specific bond. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The Tata ace bearing registration No. MH-35-AJ-1976, Chasis No. MAT559004LZN21327 & Engine No. 700CCDI02NZXS76557, be handed over to the applicant till the conclusion of the trial on executing indemnity bond of Rs. 6,00,000/- (Six lakh only).
3. Investigating officer shall verify the original documents and prepare detail panchnama and take necessary photographs of the seized vehicle before handing over the seized vehicle to the applicant.
4. Applicant shall maintain and preserve the vehicle in all respect.
5. The applicant shall not sell, not to create third party interest or not to change the nature of vehicle till the final disposal of the case and to produce it as and when directed by the Court as well as required by investigating officer in writing.
6. Concern clerk of this Court is hereby directed to keep this order along with charge-sheet.

Date: 14.08.2026.

[S. A. Shendge]
Judicial Magistrate F. C.,
(Railway Court), Gondia.