MHPA170010482026

Cri. M.A. No.122/2026
Santosh Vs. State.

Order Below Exh.1
(Passed on 08th June, 2026)

1] Perused the application, say which is given by learned A.P.P. on the back-leaf of application, say (Exh.06) filed by I.O. and documents.

2] Heard.

3] Investigation officer has submitted that seized trolly is used for commission of offence related to theft of sand. Said trolly is not registered before R.T.O. He has made necessary correspondence to R.T.O. and Tahsildar to initiate legal action in respect of seized trolly. I.O. has further submitted that seized trolly cannot be released unless and until proceedings before RTO and Tahsildar are concluded. I.O. has supported his say by way of filing decision **Ashok Narayanrao Deshmukh Vs. State of Maharashtra** [Cri. W.P. No.333/2023] of Hon'ble Bombay High Court (Nagpur Bench). Learned A.P.P. for the State has argued that if seized trolly is released then there is a possibility to transfer, destroy or repetition of offence.

4] The applicant in support of his application has filed verified xerox copy of his Aadhar Card, verified xerox copy of purchase receipt of trolly and online copy of F.I.R. in crime no.155/2026 of P.S. Bori. The application is supported by affidavit of applicant. After perusal of documentary evidence, it appears that, applicant namely Santosh Dattatraya Ambhure is owner of seized trolly. The applicant is also appearing accused to the offence. But, if seized trolly is kept lying at police station for long period of time then there is every possibility of damage or loss of value of trolly. Apprehension expressed by I.O. and learned A.P.P. can be ruled out by imposing conditions on applicant. Pendency of any proceeding before Revenue Authority does not create any bar on the powers of this court to deal with supurtnama application. Offence is not related to accident and therefore R.T.O. inspection of tractor is not appearing that much necessary. It is observed in **Ashok Narayanrao Deshmukh (supra)** that- "To my mind, the provisions under Section 451 and 457 of the Code and provisions under the MLR Code operate independently and, therefore, there is no bar to the revenue authorities to proceed with the proceeding under the MLR Code, rather, they are bound to do so...". Therefore, expressing all my respects to the decision, it appears that, facts of present case are different from said decision and therefore said decision is not helpful to I.O. Thus, I hereby pass the following order.

Order

(1) Seized trolly be given to applicant on executing supurtnama of ₹50,000/- (Fifty Thousand Rupees Only).

(2) The applicant shall undertake that he will not make material changes in the appearance of vehicle and he will produce the vehicle before court as and when directed till conclusion of trial.

(3) The applicant shall undertake that he will not sale, transfer, dispose of or create third party interest in the vehicle till conclusion of trial.

(4) I.O. is directed to prepare detail panchnama of the vehicle after taking necessary photographs of the vehicle at the cost of applicant and those documents shall be annexed to the chargesheet whenever it is filed.

(5) Revenue department and R.T.O. is at liberty to initiate or continue suitable legal action in respect of vehicle.

(6) The applicant shall undertake to complete R.T.O. registration process of trolly within a period of 2 months from the date of

receiving actual possession of trolly and to submit report to concerned police station.

(7) Bond before I.O.

(8) Copy of bond be annexed to chargesheet whenever it is filed.

(Directly dictated and typed on court computer in open court)

DISTRICT COURTS MAHARASHTRA

Digitally signed by NIKHIL PRADEEP TALNIKAR
Date: 2026.06.08 17:36:08 +0530

(N. P. Talnikar)
Judicial Magistrate (F. C.),
Jintur.

Date:- 08/06/2026.

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno	:-	Ku. S. V. Vishnupurikar
Court Name	:-	Judicial Magistrate F. C., Jintur.
Dictated on	:-	08/06/2026
Checked on	:-	08/06/2026
Signed by Presiding Officer on	:-	08/06/2026
Uploaded on	:-	08/06/2026