

CNR No: MHPU1400-2619-2024



State of Maharashtra

Vs.

Shivaji Dilip Kamble

: ORDER BELOW EXH.20 :

This is application filed by the applicant/accused for return of seized vehicle in this case.

2] Read application and reply. Heard both learned advocates. Perused the record. The reply given by I.O. goes to show that, Two Wheeler vehicle model Yamaha FZS bearing registration No.MH-16-CT-6007, its chassis number MEIRG661AL0063803 & Engine number G3N3E0065681 is seized by I.O. and the said vehicle is lying in police station.

3] As pointed out by Ld.Advocate by the applicant/accused, the documents produced by applicant with this application i.e. RC book go to show that the applicant/accused Shivaji Dilip Kamble is registered owner of seized vehicle. Admittedly, investigating officer has submitted charge-sheet against the applicant/accused. The applicant is accused in this case. Charge against applicant/accused has been framed on 25/09/2025. Thus, there is no possibility of taking this matter for final hearing in near future. So if seized vehicle kept lying in police station, there is possibility of rusting and damage to it.

4] So also, as pointed out by learned advocate by

applicant Hon'ble Supreme Court in **Sunderbhai Ambalal Desai Vs State of Gujarat in leave Special leave petition (Crl.) No. 2745 of 2002 dated 1st October, 2002** have held that, seized vehicle needs to be returned to registered owner as early as possible. In this case, though accused is facing trial for the offence punishable U/Secs.363, 366(A), 276(2)(n), 506, 420, 465, 468, 471 of IPC and U/Secs.4, 5(l) r/w. 6 of POCSO Act, physical custody of seized vehicle is not necessary for decision of this case on merit. So, if the custody of vehicle is handed over to the applicant/accused on certain conditions, as per law laid down by Hon'ble Supreme Court in **Sunderbhai Ambalal Desai** (cited supra), no prejudice would be caused to either side.

5] In view of my above discussion the application deserves to be allowed. I, therefore, proceed to pass following order :-

ORDER

- 1]** The application Exh.20 is allowed.
- 2]** The investigating officer in Crime No.157/2024 registered at Malegaon police station is hereby ordered to handover seized two wheeler model Yamaha FZS bearing registration No.MH-16-CT-6007, its chassis No.MEIRG661AL0063803 and Engine No.G3N3E0065681 to the custody of the applicant/accused Shivaji Dilip Kamble in execution of supratnama bond of Rs.1,00,000/- (One Lac Rupees only).

3 Sessions Case No.267/2024

- 3]** The applicant/accused shall file undertaking that he will not change nature, colour or any other part of the said vehicle.
- 4]** The applicant/accused shall not alienate the said vehicle in any manner without prior permission of this Court.
- 5]** The applicant/accused shall file undertaking that, he will produce said vehicle as and when required during trial.
- 6]** Investigating officer is ordered to take photographs and prepare detail panchanama of the seized vehicle i.e. two wheeler model Yamaha FZS bearing registration No.MH-16-CT-6007 and submit the compliance report before this Court within one month from the date of execution of supratnama bond.
- 7]** Copy of this order be forwarded to concerned police station for further action and compliance.

Date : 30/09/2025.

(Smt.S.R.Patil)
Additional Sessions Judge,
Baramati.

4 Sessions Case No.267/2024

“CERTIFICATE”

I affirm that the contents of this PDF file are same word for word as per original :-

Name of Steno : **Jagadish Narayan Kanki,**
(Stenographer Grade - I)

Court name : **Surekha R. Patil.**
Addl. Sessions Judge, Baramati

Judgment delivered on : **30/09/2025**

Judgment signed by PO on : **30/09/2025**

Judgment uploaded on : **30/09/2025.**