

ORDER BELOW EXHIBIT 154 IN R.C.C. NO. 297/2024(The State **Vs.** Shivaji Ekad & Ors.)

1. Applicant namely Nanasaheb Maruti Jagtap has urged for granting custody of seized property i.e. four wheeler Mahindra & Mahindra company's black colour Scorpio M2DICR 2WD BS3 9SF bearing registration No. MH-42-U-9393 chassis No. MA1TA2GMKB2H20888 and Engine No. GMB4H55577 belongs to the applicant seized by the police in Crime No.454/2024 registered for the offence punishable under sections 307, 353, 341, 427, 504, 506, 120(B), 143, 144, 147, 148 & 212 r/w 149 of the IPC, Section 135 of The Maharashtra Police Act and Section 7 of the Criminal Law Amendment Act at Indapur Police Station.

2. Learned advocate for the applicant has submitted that applicant is registered owner of the seized property. It is further submitted that, he requires the seized vehicle for his daily usage. If, it is kept in the custody of police for infinite time then there is possibility of damage to the parts of the vehicle because of its non-usage. The applicant has filed verified copy of Aadhaar card. So also, the applicant has filed photo copy of Vehicle Particulars of the seized property, wherein he is named as owner of the seized vehicle.

3. Say of APP & accused was called. Learned APP has strongly opposed the present application by filing at Exh.167. It is contended that, the seized vehicle has been used in the commission of offence. The alleged offences is triable by Hon'ble Sessions Court. The applicant has not produced any valid documents regarding seized vehicle. If seized vehicle is released in favour of the applicant then he will modify and change its identity. Thus, prayed to reject the application.

4. The accused persons vide their say Exh.195. Wherein, it has been contended that the accused persons have no objection to release seized

vehicle in favour of the applicant.

5. Heard both sides. Perused the application, say and documents filed along with the application.

6. FIR shows that applicant is not an accused in the above mentioned crime. However, it is to be noted that no other person except the applicant has claimed the custody of seized vehicle. Moreover, Hon'ble Supreme Court has passed certain directions in landmark authority **Sunderbhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.** Hon'ble Supreme Court has directed that immediate and appropriate order for disposal of the seized property should be passed by a Magistrate which has been kept for a long time at the police station. Because, the trial takes its own time to complete and till then possibility of seized property getting junk cannot be ruled out. Hence, in my considered view, after imposing certain strict conditions the applicant is entitled for the interim custody of seized property U/s.503 of the BNSS, 2023. Hence, following order-

ORDER

1. Application is allowed.
2. The applicant viz., Nanasaheb Maruti Jagtap, R/o. Dalaj No.2, Tal. Indapur, Dist. Pune shall execute a Supurtnama bond before the Officer in Charge of Indapur Police Station, binding herself to produce the seized property i.e. four wheeler Mahindra & Mahindra company's black colour Scorpio M2DICR 2WD BS3 9SF bearing registration No. MH-42-U-9393 chassis No. MA1TA2GMKB2H20888 and Engine No. GMB4H55577, as and when directed by the court and in default, to forfeit the amount of Rs. 10,00,000/- (Ten Lac Rupees) to the Government. Moreover, the applicant shall not sell, modify or alienate, said vehicle and also not to change its structure without permission of the Court.
3. The applicant shall furnish, at his own expenses, to the Officer-in-charge of Indapur Police Station, two self-attested colour photographs of the said vehicle, for its identification purpose. The police officer shall facilitate such photography.

4. After compliance of above referred conditions, Officer in charge of Indapur Police Station is directed to handover the above referred vehicle forthwith to the applicant.
5. The Officer-in-charge of Indapur Police Station shall, upon receiving such photographs, countersign the same, prepare a possession receipt-cum-panchnama, handover custody of the seized vehicle to the applicant and forward the photographs and possession receipt to the court.
6. Copy of this order be sent to the Officer-in-charge of Indapur Police Station, for compliance.

Date: 18/06/2025.

(M. H. Farooqui)
Judicial Magistrate First Class
Indapur, Dist. Pune (Court No.2).

CERTIFICATE

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

Name of Steno. :- Shri. Chalwade G.S. (Stenographer-3)

Court Name :- Shri. M.H. Farooqui,
2nd Jt. Civil Judge (Jr. Dn.) and J.M.F.C.,
Indapur, Dist. Pune.

Date :- 18/06/2025

Order signed by the :- 18/06/2025
presiding officer on

Order uploaded on :- 19/06/2025