

ORDER BELOW EXHIBIT 145 IN R.C.C. NO. 297/2024**(The State Vs. Shivaji Kisan Ekad & Ors.)****CNR No. MHPU17-001862-2024**

1. Learned advocate for the applicant / Pravin Kalyan Bagal has urged for granting custody of seized property i.e. two wheeler Hero Motor Corporation Ltd. Company's Splendor I3S without bearing registration number having chassis No. MBLHAW221PHCC9993 and Engine No. HA11E7PHC76932 belongs 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. It is submitted that he is registered owner of the seized motor cycle. It is further has further submitted that, he requires the seized motor cycle 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 motor cycle because of its non-usage. The applicant has filed verified copy of vehicle booking receipt of Vikas Automobiles, Indapur and delivery certificate of the seized vehicle. The applicant undertakes to abide by any condition while releasing motor cycle.

3. Say of APP and accused persons was called. Learned APP has strongly opposed the present application by filing say vide Exh.152. It is contended that, the seized vehicle is important piece of the evidence. If seized vehicle is released in favour of the applicant then he will modify and change its identity.

4. Accused Nos.1, 3 and 5 to 9 filed their say below Exh. 203 and also accused No.3 filed separate say below Exh.151. Wherein it is mentioned that they have no objection to release seized vehicle in favour of applicant.

However, despite ample opportunity accused Nos. 9 & 11 have not filed their reply to the present application. Therefore, the application came to be proceeded without say of accused Nos. 9 & 11.

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

6. Record shows that the accused persons are alleged to have committed an offence under section 307 of the IPC which is serious and triable by Hon'ble Sessions Court. Upon perusal of vehicle booking receipt of Vikas Automobiles, Indapur it shows that name of applicant, but there is no mention regarding particulars of seized vehicle viz., chassis number, engine number etc. as mentioned in the application by applicant. Delivery certificate is not a ownership certificate. There is no documents filed by the applicant to show him registered owner of the seized motor cycle. Therefore, in my considered view, prima-facie applicant has failed to show that he is registered owner of the seized vehicle. Therefore, it would not be proper to grant him interim custody of the seized vehicle. Hence, following order-

ORDER

Application Exh.145 is rejected.

Indapur
Date : 10/11/2025

(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 :- 10/11/2025

Order signed by the :- 10/11/2025
presiding officer on

Order uploaded on :- 11/11/2025