

MHPU240002482025

RCC. No.50/2025State of MaharashtraVsAlamsingh Bamniya

Order Below Exh. 25
(Passed on 10th September, 2025)

This is an application filed by applicant/accused No.3/accused No.3 namely Awalsingh Ramsingh Bhuriya under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. Maruti Swift VDI Car bearing No. **MP-13-ZD-7856** seized by Manchar Police Station, Tq. Ambegaon Dist. Pune in this crime No. **477/2024** for offence punishable 305, 331 (3) and 331 (4) of Bhartiya Nyas Sanhita 2023.

2. That the applicant/accused No.3 is the owner of the said Car. The above said Car was using by the applicant/accused No.3. Manchar Police Station seized above said Car in said crime **C.R. No. 477/2024**. Therefore, the applicant/accused No.3 filed this application for getting custody of said Car. The applicant/accused No.3 further submitted that said Car is lying in the Police Station as unattended condition and therefore possibility of it's damage by natural calamities cannot be ruled out. He submitted that, he is ready to abide all the conditions if any imposed by the Court. On these grounds, the applicant/accused No.3 sought for return of the seized muddemal property.

3. Say of A.P.P was called. Ld. A.P.P. has raised objection on the ground that if said Car even in the custody of accused, the

accused sell it or may alter its nature. It is further submitted that if said Car is given to the applicant/accused No.3 there is possibility of use of the said in similar crime.

4. Heard A.PP for the State and Advocate for the applicant/accused No.3.

5. Applicant/accused No.3 has filed the verified copy of his Aadhar card and verified copy of RC book of said Car. Perused the said documents, it reveals that applicant/accused No.3 is the owner of the Car in question. Therefore, certainly being owner of Car, he is entitled to get the possession of the Car. The said car is seized from the applicant/accused No.3. Moreover, applicant/accused No.3 has claimed for interim custody of the Car. The point of final custody of Car would be decided during the conclusion of trial. In such circumstances, applicant/accused No.3 is entitled for the custody of Car. If Car remains idle at Police Station, then there is possibility of getting it damaged. No purpose will be served by keeping said Car at Police Station. So, there is no reason to refuse this application and more particularly in view of the dictum of Their Lordships of the Apex Court in the case of **Sunderbhai Vs State of Gujra** reported in **(2003) 24 BCR (SC) 444** wherein it has been observed that, there is no used to keep seized property at police station for long period and appropriate orders should be immediately made regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Therefore, I pass the following order :-

ORDER

1. Application is allowed.

2. Interim Custody of seized Maruti Swift VDI Car bearing No. **MP-13-ZD-7856** be given to the applicant/accused No.3 namely **Awalsingh Ramsingh Bhuriya** upon furnishing bond in sum of Rs.4,00,000/- (Rs. Four lack only).
3. I.O. is hereby directed after furnishing bond to prepare detail proper panchanama of said Car and take photographs of it and with condition to produce it at the time of trial, if required.
4. I.O is hereby directed to take sufficient photograph of said Car with attention of applicant/accused No.3.
5. The applicant/accused No.3 shall not sell, transfer the said Car or he shall not create third party interest without prior permission of the Court and he shall not change the colour and nature of the said Car.
6. The applicant/accused No.3 shall produce the said Car before the police and the court as and when required.
7. Applicant/accused No.3 shall satisfy future claimant, if any.
8. Issue letter to Manchar Police Station accordingly.
9. Application is accordingly disposed of.

Date : 10/09/2025.

(Santosh L. Vaidya)
Judicial Magistrate, F.C.,
Ghodegaon, Dist. Pune.