

R. C. C.:- 547/2024

Irfan Akbar Shaikh

Vs.

Talegaon Dabhade Police Station.

ORDER ON EXH. 3

This is application filed by applicant as per section 497 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. **Honda Dio DLX Scooter** (Two Wheeler) Registration No. **MH.12 UQ.8822**. The applicant is submitted that, the said vehicle seized by Talegaon Dabhade Pune police station under **CR.NO.270/2024 under section 454, 457, 380 of The Bharatiya Nyaya Sanhita, 2023**. The applicant is in need of the said vehicle for his daily use. Therefore, he has prayed to allow the said application.

- 2) Description of property :- **(Two Wheeler)**
- a) Vehicle Number :- **MH.12 UQ.8822**
 - b) Model :- **Honda Dio DLX Scooter**
 - c) Chassis Number :- **ME4JF984HNW138873**
 - d) Engine Number :- **JF98EW1163672**
- 3) The applicant has filed following documents at **Exh.5**.
- a) R.C. Book of **Honda Dio DLX Scooter**
Registration No.**MH.12 UQ.8822** – Verified
 - b) Aadhar Card of applicant – Verified
 - c) Insurance certificate – Photo copy

Perused the application and the documents filed along with it. The application is supported by the affidavit of the applicant filed at **Exh.4**.

4) The investigating officer submitted that, the offence is serious in nature. If the muddemal will return to the applicant then the said muddemal will be used in another offence. Hence, application is requested to be rejected.

The Ld.APP has submitted that, applicant is accused in the offence. The said muddemal is used in offence. If muddemal is returned to the applicant then repetition of offence may occur. Application is strongly opposed by state. Hence, application is kindly being rejected.

5) From the contentions in application and documents filed by the applicant it appears that **Irfan Akbar Shaikh** is real owner of the properties. No purpose would be served in keeping the seized property lying in the police station. The possibility of the damage to the property cannot be ruled out if kept lying in the police station. The trial would not be concluded in near future.

6) ***Sunderbhai Ambalal Desai Vs. State of Gujrat*** AIR 2003 SC 638
(1).

In this case Hon'ble Supreme Court observed that, the powers under section 451 of Cr.P.C should be exercised expeditiously and judiciously- it would serve various purposes, namely (1) owner of the article would not suffer because of its remaining unused or by its misappropriation. (2) Court or the police would not be required to keep the article in safe custody (3) If proper panchanama before handing over the possession of article is prepared, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the

nature of the property in detail (4) The jurisdiction of the court to record the evidence should be exercised promptly so that there may not be further chance of tampering the article.

Magistrate directed to pass appropriate orders immediately and articles are not kept for a long time at the police station, in any case, for not more than 15 days to 1 months.

7) Considering all the discussion I came to the conclusion that applicant is entitled for interim custody of property till conclusion of trial. Hence, I pass following order under section 497 of Bharatiya Nagarik Suraksha Sanhita, 2023 :-

ORDER

- a) The application is allowed.
- b) The property namely **Honda Dio DLX Scooter** (Two Wheeler) Registration No. **MH.12 UQ.8822** be handed over to the applicant **Irfan Akbar Shaikh** till the conclusion of trial on the applicant executing indemnity bond and of Rs.2,00,000/-.
- c) The applicant to undertake that, he shall not sell or transfer the seized property without the prior permission of the Court. The applicant to maintain and preserve the property in all respect.
- d) The applicant is directed that, he or any other person shall not use the property for another similar nature of crime.
- e) The applicant is directed that, he shall produce the property in the court as and when directed.
- f) Concern officer of Talegaon Dabhade Pune police station is directed that he shall prepare proper panchanama, take sign of

investigating officer and applicant on panchanama and take photographs from all side of the property that is **Honda Dio DLX Scooter** (Two Wheeler) Registration No. **MH.12 UQ.8822**.

- g) Issue yadi accordingly.
- h) Concern officer of Talegaon Dabhade police station is directed that he shall submit copy of panchnama with charge-sheet.
- i) The I.O., is directed to report to concerned R.T.O. in order to take the note of this Crime Number on the record of this vehicle and report compliance.

Date:18/07/2026

(Smt. Kirtee A. Deshpande)
Judicial Magistrate First Class
Vadgaon Maval, Pune.

CERTIFICATE

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

Name of the Stenographer	Sagar V. Ingale
Name of the Court	I/c.5 th Jt.C.J.J.D. & J.M.F.C., Vadgaon Maval, Pune.
Date of Order & Judgment	18/07/2026
Order/Judgment Signed by the P.O. On	18/07/2026
Judgment/Order uploaded on	18/07/2026