

R.C.C. No. 747/2023
 State of Maharashtra ..Vs..
 Nurul Hak Chouhan + 1
 CNR-MHPU26-005312-2023

**ORDER BELOW (EXH. 22) APPLICATION FILED BY APPLICANT FOR
 RELEASING SEIZED VEHICLE**

(1) The present application is filed by the applicant namely **Upendra Shirish Kulkarni** is seeking for releasing following muddemal on supurtnama seized in C.R. No. 323/2023 registered at Ravet Police Station, District Pune for the offence punishable under section 420, 406 r/w 34 of IPC (Hereinafter referred as to said 'vehicle').

S.N o.	Description of muddemal	Valuation
1.	One Car, MG Motor India Pvt. Ltd. Model No. MG Hector vehicle bearing registration No. MH-15-HG-2828, having Chasis No. MZ7HD2D1K3H037916 and Engine No. 18L82520356	Rs. 20,00,000/-

(2) Ld. A.P.P. given say on the overleaf of the application. It is contended that, it seems from R.C. book of vehicle that, the said vehicle is owned by applicant / informant. Its part of an evidence. It may be returned to applicant on certain terms and conditions.

(3) The applicant has filed verified copy of Certificate of Registration issued by RTO, Nashik along with insurance copy. The applicant also filed affidavit at **Exh. 25** along with Aadhar card. From aforesaid document it is clear that, the applicant is owner of said vehicle. The applicant is the informant and on his report aforesaid

vehicle came to be seized from accused. Now, investigation is completed and charge sheet is filed. Therefore, I am of the opinion that, no purpose will be served by keeping said vehicle in custody of police. If aforesaid property kept lying in police station then possibility of damages can not be ruled out and no purpose will be served. In view of Judgment of Hon'ble Supreme Court of India ***Sunderbhai Ambalal Desai Vs. State of Gujrat 2002 Supp(3) SCR 39***, I am of the opinion that, there is no necessity to keep the aforesaid muddemal in the custody of the police station merely for the purpose of evidence. Considering the aforesaid law and discussion, I proceed to pass the following order-

ORDER

- (1) Application is allowed.
- (2) The interim custody of **MH-15-HG-2828, having Chasis No. MZ7HD2D1K3H037916 and Engine No. 18L82520356** seized in C.R. No. 323/2023, registered at Ravet Police Station, Pune be handed over in favour of the applicant **Upendra Shirish Kulkarni** on his executing bond of Supurtnama (Indemnity Bond) of Total Rs. 20,00,000/- (Rupees Twenty Lakh Only) towards seized muddemal with following conditions :-
 - (a) He shall not dispose of the said muddemal, by transfer, mortgage, sale or by any other means without the prior permission of the court.
 - (b) He shall produce the said said muddemal as and when required by the Court or police.
 - (c) He shall not change the colour, nature or description of the said muddemal.

- (d) He shall maintain and preserve said muddemal in all respect during pendency of trial.
- (e) He shall not use said muddemal in any other crime.
- (3) The Police station officer, Ravet Police Station, Pune is directed to prepare the condition panchanama of said muddemal and also cause the collective colour Photograph/s of the said muddemal at applicant's cost prior to handing over the same to him and counter signed by the him.
- (4) The copy of said panchnama and photographs be filed in the instant matter.
- (5) Bond before this Court.

Sd/-

(**A.S. Agrawal**)

6th Jt. Judicial Magistrate First Class,
Vadgaon Maval, Pune

Date :- 02/12/2023

CERTIFICATE

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

Name of the Stenographer	G. B. Mitha,
Name of the Court	Shri. A. S. Agrawal, 6 th Jt. C.J.J.D. & J.M.F.C., Vadgaon Maval, Pune
Date of Order & Judgment	02/12/2023
Order/Judgment Signed by the PO. On	02/12/2023
Judgment/Order uploaded on	02/12/2023