

MHPU260056562024



ORDER BELOW EXH. NO. 03 IN RCC. NO.851/2024
(State Vs Bansode)

The present application is filed by Jamil Iklas Khan (In short applicant) under section 503 of BNSS Act, 2023 for return of vehicle. The learned advocate for applicant argued for granting custody of the seized vehicle **Hero Spender Motor Cycle Bearing No. MH.14 KX 2769** to the applicant.

2. The Learned A.PP has strongly objected.
3. Heard learned Advocate for applicant and A.PP for state.
4. Police claimed to have seized said vehicle of the applicant in connection with Crime Registration No. 275/2024 of Lonawala City P. S. for the offences under section 4 (25) Arms Act. The documents produced by the applicant show that, applicant is the registered owner of seized vehicle bearing No. **Hero Spender Motor Cycle Bearing No. MH.14 KX 2769** Hence, he is entitled for its custody under section 503 of BNSS Act, 2023.
5. The authority of **Sunderbhhai Ambalal Desai Vs. State of Gujarat, AIR 2003SC638** relied by the applicant's learned Counsel contains the directions to pass immediate and appropriate order for disposal of the seized articles like vehicles etc., instead of keeping them for a long time at the police station. The applicant's learned Counsel states the approximate value of the vehicle as Rupees 1,00,000/-. Necessary conditions may be imposed for securing production of the vehicle for identification purpose, during the trial. Hence, the application is allowed as under :

1. The applicant shall execute a supratnama bond before the Asstt. Supdt. of the Court, binding himself to produce the said vehicle as and when directed by the Court and in default, to forfeit the amount of Rs.1,00,000/- to the Government.
2. The applicant shall furnish, at his own expenses, to the Officer-in-charge of Lonawala City Police Station, two self-attested colour photographs of the said vehicle, for its identification purpose. The police officer shall facilitate such photography.
3. The Officer-in-charge of Lonawala City Police Station, shall upon receiving such photographs, countersign the same, prepare a possession receipt cum- panchanama and verifying original Aadhar card of applicant, handover custody of the seized **Hero Spender Motor Cycle Bearing No. MH.14 KX 2769** to the applicant and forward the photographs and possession receipt to the Court forthwith.
4. Supratnama Bond, Possession Receipt-cum-panchanama and R & P of this proceeding be tagged with the police report which may be filed in the above crime.

Place : Vadgaon Maval
Date : 07.01.2025

(S. P. Jadhav)
I/C Judicial Magistrate First class,
Vadgaon Maval.