



State Vs.Rajivsingh Purushottam  
Singh Thakur

**ORDER BELOW EXHIBIT NO. 10**  
**IN SUM.CRIMINAL CASE NO.866/2022**

This is an application filed by the applicant through her power of attorney holder for return of property i.e. Tanker bearing Registration No.MH 04, FU 5169, Chasis No.MAT448035C7K40370 and Engine No. B591803221K84078668 seized by Khopoli Police Station in C.R.No.312/2022.

02. It is contended that, applicant is owner of the vehicle in question. It is further submitted that, if said vehicle kept in the premises of police station, it will be unused and it would become junk day by day. Therefore, applicant prayed for releasing vehicle to her as an interim custody under section 451 of the Cr.P.C.

03. Say of investigation officer and Ld. APP were called. They are strongly objected for handing over custody of seized vehicle to applicant. According to them, fine of Rs.12,700/- is pending against vehicle in question regarding breach of traffic rule and if muddemal is returned to applicant there is possibility of its use again in similar nature of crime. Hence, they prayed to reject the application.

04. Heard both the parties at sufficient length and perused the record. It shows that, the applicant has placed on record copies of the Registration certificate, goods carriage permit, fitness certificate of vehicle and Original Power of Attorney. Said documents discloses that, applicant is the owner and better claimant of the muddemal in question.

05. In all these circumstances, if said vehicle kept unattended for years in the premises of police station it will be junk day by day. Merely because fine is pending against vehicle for breach of traffic rule cannot be ground to refuse the custody of vehicle to applicant. Therefore, no further purpose is going to be served by keeping said muddemal in police station premises and considering ratio laid down in *Sunderbhai Ambalal Desai Vs. State of Gujrat* it appears as just and proper to handover the interim custody of the muddemal in question to the applicant on following terms and conditions. Hence, following order:-

**:-ORDER:-**

<b>01.</b>	The application is hereby allowed.
<b>02.</b>	The Tanker bearing Registration No.MH 04, FU 5169, Chasis No.MAT448035C7K40370 and Engine No. B591803221K84078668 seized by Khopoli Police Station in C.R.No.312/2022, be handed over to the applicant with following conditions :-
<b>(A)</b>	Applicant shall produce the said muddemal as and when required during inquiry or trial of this matter.
<b>(B)</b>	Applicant shall not cause material alterations in the said muddemal and transfer the same to anyone without the permission of the Court.
<b>(C)</b>	Applicant shall execute indemnity bond of Rs.20,00,000/- (Rs. Twenty Lakh only).
<b>(D)</b>	The I.O shall prepare detail panchanama of muddemal and also take the photographs and applicant to countersign the panchanama and photos. Applicant to bear the cost of photos. I.O. to send all these documents in this proceeding.

**(Dictated and pronounced in open Court)**

Place:Khalapur  
Date :16/03/2023

**(P.M.Mane)**  
Judicial Magistrate First Class,  
Court No.2, Khalapur.