

MHRG090002042026

CRI.M.A. No.19/2026

Mahendra Vs. R. P F, Roha

ORDER BELOW EXH.01

This application is filed for release of four wheeler vehicle i.e. Tata Tempo, bearing Registration No.MH-06-CP-1966 having Chassis No. MAT556051SVA04278 and Engine No. 275MPFIO4AUXS14963 (hereinafter for short referred to as the seized vehicle) which is seized by R. P .F, Roha in connection with Cr. No.96/2026, on the ground that applicant needs the seized vehicle as it requires in his daily use.

2. Investigating Officer has filed his say at **Exh.6** whereby he has strongly opposed to release the seized vehicle in favour of the applicant. He contended that if seized vehicle is returned to the applicant, necessary certificate will not be available so that investigation cannot be completed. Hence, he prayed to reject the application. Ld. APP has filed his say overleaf the application and opposed to present application with contention that present application is not tenable and may be rejected.

3. The Hon'ble Supreme Court in *Sundarbhai Ambalal Desai V/s. State of Gujarat, 2002 (10) SCC 283* observed that 'the object and scheme of the various provision of the code appear to be that where the property which has been subject matter of an offence is seized by

the police, it ought not to be retained in the custody of the court or of the police for anytime longer than what is absolutely necessary.

4. In present matter initial investigation is seen to be completed. The applicant produced verified copy of registration certificate of seized vehicle at **Exh.7** whereby it can be seen that applicant is the registered owner of the same. Though IO & Ld. APP opposed to present application, IO did not contend that he requires seized vehicle for investigation or as evidence. Moreover, in view of aforementioned ratio of Hon'ble Supreme Court, it is cleared that unless the case property is absolutely necessary for inquiry or trial, court cannot retain the same either in custody of the court or in custody of police for any longer time. Therefore there is no purpose to keep lying seized vehicle at station. So also, interest and apprehension of prosecution can be safeguarded by imposing conditions. Hence, following order.

ORDER

1. The application is allowed.
2. Investigation Officer in Crime Register No. No.96/2026 of R. P .F, Roha is directed to hand over the seized vehicle i.e. **Tata Tempo, bearing Registration No.MH-06-CP-1966 having Chassis No. MAT556051SVA04278 and Engine No. 275MPFI04AUXS14963** to the applicant till conclusion of the trial, by executing his indemnity bond of Rs.5,00,000/- (Rupees Five Lakhs only).
3. Investigation Officer in Crime Register No. 96/2026 of R. P .F, Roha is directed to snap four corner photos of seized vehicle and prepare panchnama while handing over the seized vehicle to the applicant.

4. The applicant to undertake that, he shall not sell or transfer the seized vehicle without prior permission of the court. The applicant to maintain and preserve the seized vehicle in all respects.
5. The applicant shall produce the seized vehicle in the court as and when directed.
6. This proceeding be tagged along with C.R.No. 96/2026.
7. Investigation Officer to file indemnity bond executed by the applicant and panchnama with photographs along with the charge-sheet/ report in this Court.

Date : 09.03.2026.

Place : Roha

(S. V. Khaire)
Judicial Magistrate First Class,
Roha.

CERTIFICATE

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

Name of the Stenographer	:	Shri. A. A. Nakhawa
Court	:	CJJD & JMFC, ROHA.
Judgment / Order Date	:	09.03.2026
Judgment / Order signed by the Presiding Officer on	:	10.03.2026
Judgment Order uploaded on	:	10.03.2026