

Order Below Exh. 01

Nature of the Application:-

This is an application filed by Mahendra Rajendra Birwadkar (for short 'the applicant') seeking custody of "BAJAJ AUTO LTD/PULSAR 160 TWO WHEELER bearing registration number MH- 06, CK-0490, CHASIS NO-MD2B54DX3PCH5768, ENGINE NO PDXCPH77649(for short the 'vehicle') seized in crime register no 03/2025, registered with Mahad Taluka Police Station.

Contents in the Application:-

02) The applicant has stated that, he is owner of the said vehicle in Cr. No 03/2025 . The applicant is in need of vehicle. The vehicle is lying at the police station. There is no facility in the premises of the police station to safeguard the vehicle. If vehicle is kept in police station then, it will result in damaging of the vehicle. The said vehicle is required by the applicant for his daily commute. Business work of the applicant is totally depend on the seized vehicle. The applicant is ready to obey the condition as imposed by the Court. On these grounds the applicant has prayed to grant the application.

Contents in the say of Investigating Officer and Ld. APP:-

03) The Ld. APP has filed his say at Exh. 07 objected to give interim custody of seized vehicle to the applicant. The

I. O. has filed his say at Exh. 08 and objected that the applicant may sale the vehicle or change the nature of vehicle. There is possibility of commission of similar crime. Therefore, they prayed for rejection of the application.

05. The applicant has produced on record the certified copy of FIR, copy of receipt, copy of RC book and verified copy of the Adhar Card. After going through the contentions in the application, the copy of RC book of the registration there cannot be any dispute that, the vehicle is owned by the applicant and he is its owner by purchase. No other person except the applicant has appeared seeking custody of the vehicle did today.

06) Applicant is an owner of the vehicle seized and there is every possibility of rusting or deterioration of the said vehicle, if it is kept at the police station for indefinite period that is till disposal of the trial. Under such circumstances, it is necessary to make adequate arrangements so as to maintain the seized vehicle in a proper condition and ensure its production, if necessary during the trial as an when required. In view of the scope of section 503 of BNSS, I am opinion that applicant is entitled to receive custody of the vehicle as prayed for.

07) The objection raised by the learned APP and IO, same can be taken care of by imposing necessary condition. Thus, the question is required to be taken by

imposing conditions of the applicant that, he shall not alter structure of the said vehicle in any way whatsoever as well as he shall make available the said vehicle and shall produce the said vehicle before the court as and when required. Also, if the proper panchanama before handling over vehicle is prepared, that can be used any in evidence instead of its production before the court during the trial. It is of no use to keep such a seized vehicle at police station for the long period. Owner of the vehicle should not suffer because of the vehicle laying at police station unused for long.

08) In view of the above discussion and considering the aforesaid facts, in the interest of justice, I am inclined to grant the application by imposing conditions. Accordingly, I pass the following order.

Order

1. Cr.M.A 23/2025 is allowed.
2. Interim custody of **“BAJAJ AUTO LTD/PULSAR 160 TWO WHEELER bearing registration number MH- 06, CK-0490, CHASIS NO-MD2B54DX3PCH5768, ENGINE NO PDXCPH77649**(for short the ‘vehicle’) seized in crime register no 03/2025, registered with Mahad Taluka Police Station be handed over to the applicant on his executing supratnama, bond in the sum of Rs 80,000/- (Eighty

Thousands only) before concern police station upon following terms and conditions.

a) The applicant shall not transfer, alienate or create third party interest in the vehicle in any manner.

b) Applicant shall not change the colour, nature and appearance of the said vehicle and keep it as it is, so as to be identifiable.

c) The applicant shall produced 04 colour photographs of the said vehicle, which will disclose its full identity. Concern police is directed to facilitate the photographs.

d) The applicant shall produce the vehicle before the court as and when required to do so. The applicant shall also produce the said vehicle as and when required for investigation.

e) Bond shall stand forfeited to the state in case of failure to abide by the conditions herein.

3) After execution of the supurtnama bond and furnishing the colour photography by the applicant, the investigating officer shall hand over the custody of the said vehicle to the applicant after preparation of the panchnama.

4) Issue copy of this order to the concerned investigating officer for its compliance. Concerned PSO to file compliance report within 07 days from this order.

Date: 17/05/2025

(Harshada S. Admane)

Place: Mahad

Judicial Magistrate First Class,
Mahad.