

MHRG100001762026

**ORDER BELOW EXH. 1 IN CRI. M. A. NO. 28/2026***(Passed on 18/04/2026)*

This is an application filed under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for custody of Mahindra Jeeto Minivan LXD D+4 bearing No. MH-06/BU-1766, Engine No. UEH3F68450, Chasis No. MA1KJ2UEEH3F60222 seized in Crime No.I-09/2026, registered at Mahad City Police Station under section 325, 3 (5) and section 5C, 9A of the Maharashtra Animal Protection Act, 1976.

2] It is submitted by the applicant and argued that he is the registered owner of the said vehicle. The said vehicle was seized by Mahad City Police Station in C.R.No. I-09/2026. The said vehicle is presently in the custody of Mahad City Police Station. He is using the said vehicle for his earning source, domestic purpose. If the said vehicle will be kept in the police station in unused condition, it will be damaged. If the said vehicle will be returned to the applicant, he will not sell, transfer, alienate or dispose of the said vehicle. He is ready to abide by the terms and conditions imposed on his by the Court while giving interim custody of the said vehicle. Lastly, applicant prayed to allow the application.

3] Ld. A.P.P. filed her say at Exh. 07 as well as I. O. at Exh. 06. I. O. has no objection to return the muddemal property. Ld. APP submitted and argued that, it is prima facie seen that the vehicle is involved in present crime and it is a part of evidence. She also argued that verified copies of document have not been produced. The applicant

will dispose of the vehicle and prayed for rejection of the application.

4] Read the application and say filed by the Ld. A.P.P. & I. O.. Perused the record. Heard the learned advocate for the applicant and Ld. APP. Learned A.P.P. argued that the muddemal vehicle has evidential value. If the vehicle released on supurtnama, then there is possibility of sale, transfer, assign and destroy of vehicle. It is submitted by the learned advocate for the applicant that the applicant is the registered owner of the said vehicle. The said vehicle has been seized by Mahad City Police Station in C.R.No.I-09/2026. He is ready to abide by all the terms and conditions which will be imposed on him while giving interim custody of the said vehicle. In support of the application, the applicant has filed his affidavit at Exh.5. He has filed on record the copies of documents' viz. Aadhar card, R.C book and copy of F.I.R., which show that the applicant is the registered owner of the vehicle bearing R.T.O. registration No.MH-06/BU-1766. From this documentary evidence, it reveals that the applicant is the registered owner of the said vehicle. If the said vehicle will be kept lying in unused condition in the police station for long time, it will be damaged. The applicant has not filed valuation report of the vehicle in support of his pleading, hence it will just and appropriate to furnish the bond of vehicle prize. Hence, no purpose would be served in keeping the said vehicle in the police station for long time. Hence, I have come to the conclusion that the interim custody of the said vehicle be given to the applicant on certain conditions.

5] The Hon'ble Supreme Court in the decision of Sunderbhai Ambalal Bhai vs. State of Gujrat reported in AIR 2003 SC 638, directed to the Magistrates to exercise the power under sections 451 and 457 of the Cr. P.C. expeditiously and judiciously with purposes namely-

- (i) Owner of the article would not suffer because of its remaining unused or misappropriation;
- (ii) Court or the police would not be required to keep the article in safe custody;
- (iii) If the proper panchanama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary evidence could also be recorded describing the nature of the property in detail.

6] Therefore, being the registered owner of the said vehicle and in the light of the directions of the Hon'ble Supreme Court in the case of Sunderbhai (supra), the applicant is entitled for interim custody of the seized vehicle. Hence, the application is liable to be allowed. Hence, the following order:-

**: ORDER :**

1. The application is allowed.
2. The applicant shall furnish indemnity bond of Rs. 4,00,000/- (Rupees Four Lac only) in Mahad City Police Station. Thereafter, interim custody of Mahindra Jeeto Minivan LXD D+4 bearing Registration No. MH-06/BU-1766, Chassis No. MA1KJ2UEEH3F60222, Engine No. UEH3F68450 seized in Crime No.09/2026 registered at Mahad City Police Station, be given to the applicant on his executing bond as above. If the aforesaid vehicle is to be proved that it is not belonging to or owned by applicant, he has to deposit market value of that vehicle in the Court.
3. He shall produce the said vehicle as and when necessary for the evidence in the trial and ordered by the Court.
4. He shall not dispose off, alienate and sale the said vehicle in any manner and will not make any alterations or change in it till disposal off the case.
5. He is further directed not to use the aforesaid vehicle for any illegal purpose.
6. Investigating officer or Police Station Officer of Mahad City

Police Station is directed to take appropriate coloured photographs of the seized vehicle and assured that the photograph is of seized vehicle and make endorsement thereof at the back of said photographs thereof.

7. Detailed panchanama including compliance of aforesaid order shall be prepared by Investigating officer or Police Station Officer of Mahad City Police Station before handing over possession of the seized vehicle and produce the same along with charge-sheet/final report of the crime in the Court.
8. After compliance of aforesaid order and documents, aforesaid seized muddemal property i.e. said vehicle only be handed over in interim custody thereof to the applicant.
9. Issue yadi to the concerned police officer after compliance by the applicant.
10. I. O. is further directed to inform about this order to the concerned RTO.

*(Pronounced in open Court)*

Mahad,  
Date : 18/04/2026.

(U. M. Jadhav)  
Judicial Magistrate, First Class,  
Mahad, Dist. Raigad.

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

Name of Stenographer	:-	Shri. B. T. Deshmukh
Name of Court	:-	Mr. Uday Mahadev Jadhav, 2 <sup>nd</sup> Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Mahad.
Date of decision / typed	:-	18/04/2026
Judgment / order signed by the P.O. on	:-	18/04/2026
Judgment / order uploaded on	:-	18/04/2026