



Spl. (POCSO) Case No.08/2026
State of Maharashtra Vs.
Shamuvel Madhukar Kothambire
CNR No.MHRG150000712026

:: ORDER PASSED BELOW EXH.45 ::

- 1) Accused No.1 Shamuvel Madhukar Kothambire has applied for return of property i.e. Maruti Suzuki Wagonr Car bearing registration No.MH-09/FJ-5198, chasis No. MA3JMT31SLB280867 & engine No. K10BN8349293, which was seized in the Crime No.145/2025 by Shriwardhan Police Station.
- 2) Ld. Advocate Shri. N. J. Sambodhi for accused No.1 submitted that, aforesaid vehicle is of daily use of accused. Accused is owner of said vehicle and in support of his contention he produced ownership document of said vehicle i.e. RC book, insurance policy etc. Further submitted that, investigation has been completed and charge-sheet was filed. Trial would take considerable time for conclusion. In the meantime if vehicle was keep standing at the police station, then its value would be depreciated. Hence, prayed for interim custody of the vehicle on any condition imposed by Court.
- 3) Investigation Officer has filed say(Exh.53) and strongly opposed application.
- 4) Heard both the sides, perused application and say.
- 5) It appears that accused No.1 is owner of aforesaid vehicle which was allegedly used in the commission of crime. The seized

vehicle is car, which would be use in day to day life, if its interim custody given to accused. On the contrary, if vehicle is not released during trial it will be wasted and suffering the vagaries of weather and its value will only reduced. Investigation has been completed and charge-sheet has been filed. Trial would take considerable time for its conclusion. Hence, in the meantime if interim custody of said vehicle is handed over to the accused by imposing conditions, it will suffice the purpose.

6) In **Sundarlal Desai Vs. State of Gujrat, 2002 10 SCC 283**, the Hon'ble Supreme Court held that seized vehicle should not be kept for prolong period and should be returned to the owner on appropriate terms. Further, in the case of **Bishwajit Dey Vs. The State of Assam, 2025 SCC Online SC 40**, the Hon'ble Supreme Court held that vehicles in police custody are kept in open, if vehicle is not release during trial it will be wasted and suffering the vagaries of weather, its value will only reduced.

7) Considering facts and circumstances of the present case, so also considering law laid down in the aforesaid judgments I am inclined to allow the application. Hence, I proceed to pass following order.

ORDER

1. The Application(Exh.45) is allowed.
2. The interim custody of seized vehicle i.e. Maruti Suzuki Wagonr Car bearing registration No.MH-09/FJ-5198, chasis

No. MA3JMT31SLB280867 & engine No. K10BN8349293, be given in possession of accused No.1 Shamuvel Madhukar Kothambire on his executing supurtnama bond of Rs.5,00,000/- on the following conditions.

- a) Accused shall not disposed of or sell said vehicle without prior permission of this Court.
- b) Accused shall not change the colour, nature or modify the said vehicle.
- c) Accused shall produced said vehicle before concerned authority or this Court as and when called for.

3. Informed concerned authority or police station accordingly.

Sd/-

Mangaon.

Date : 28.04.2026.

(M. K. Patil)

Addl. Sessions Judge, Mangaon.