

MHRG170005832023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL,
RAIGAD AT : PANVEL
ORDER BELOW EXHIBIT NO.173
IN SPECIAL (MCOCA) CASE NO.58/2023
(DATED 11/03/2026)

The applicant Rajani Dattatray Deshmukh has preferred present application for interim custody of Mercedes Benz CLA 200 D car.

2] It is the case of applicant that Nhava Sheva police station has seized Mercedes Benz CLA 200 D car bearing registration No. MH-12/PH-9963 having Chassis No.WDD1173086L004186 and Engine No. 65193033 671551 in connection with C.R.No.159/2022 registered with Nhava Sheva police station for the offences p/u/sec.364(A), 386, 120(b), 323, 342, 506(2), 109 of Indian Penal Code, u/sec.3, 25 of Arms Act and u/sec.3(1)(II), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999.

3] It is the case of applicant that she is the owner of above mentioned Mercedes Benz car. She is not an accused in the present crime. The seized car is necessary for her daily use. Police have kept above mentioned car in police station in open condition. It will prone to natural decay on account of whether condition. She is ready to abide by the terms and conditions which may be imposed upon her by Court. Hence, it is prayed by her that interim custody of above numbered Mercedes Benz car be returned to her.

4] The opponent State has filed its say at Exh.177 and raised objection. It is submitted by opponent State that co-accused Jitendra @ Bala Dattatray Deshmukh has given his disclosure statement in presence of two panch witnesses wherein it has been stated by him that the car in question was purchased out of the ransom amount for Rs.18,00,000/-. The car in question has been seized under memorandum panchanama and the same is material evidence in the present case. Hence, it is prayed that the application be rejected.

5] Heard Ld. Advocate Shri Afroz Shaikh for the applicant and Ld. Spl PP Shri Mahesh Mulye for the opponent State. Perused application, say and documents available on record.

6] Shri Shaikh, the Ld. Advocate for applicant made his submissions on the line of averments made in the application whereas, Shri Mulye, the Ld. Spl PP made his submissions on the line of averments made in the say.

7] Applicant has filed on record a copy of registration certificate of car in question in support of the application. On perusal of said registration certificate it is seen that seized Mercedes Benz car is registered in the name of applicant.

8] Applicant has also filed an affidavit in support of her application wherein it is stated by her that she is the registered owner of seized Mercedes Benz car bearing registration No. MH-12/PH-9963.

9] It is observed by the Hon'ble Apex Court in the case of Sunderbai Ambalal Desai Vs. State of Gujrat, AIR 2003, Supreme Court, 638 that "when the vehicle is seized in connection with any offence, the vehicle be released expeditiously." Thus, considering the aforesaid factual aspects and ratio laid down in Sunderbhai's case there is no reason to deny the interim custody of the car in question to the applicant. Besides, it is pertinent to note that if the seized car in question is kept in police station in open condition without any care and allowed to be subjected to rain and sun, its condition will be deteriorated and there is every possibility of damage to its spare parts. For this reason also, it is necessary to grant interim custody of seized car bearing registration No.MH-12/PH-9963 to applicant. Hence, I pass following order.

ORDER

1. The application is allowed.
2. The interim custody of seized Mercedes Benz CLA 200 D car bearing registration No.MH-12/PH-9963 having Chassis No.WDD1173086L004186 and Engine No.65193033671551 in connection with C.R.No.159/2022 registered with Nhava Sheva police station for the offences p/u/sec. 364 (A), 386, 120(b), 323, 342, 506(2), 109 of Indian Penal Code and u/sec.3(1)(II), 3(2), of The Maharashtra Control of Organized Crime Act, 1999 shall be given to the applicant Rajani Dattatray Deshmukh on following conditions.
 - a) the applicant shall furnish *supurdnama* in the sum of Rs.20,00,000/- (Rs.Twenty Lacs Only) before investigating officer of Nhava Sheva Police Station with condition that she shall produce above mentioned Mercedes Benze CLA 200 D car in

question before the Court of trial and also as and when required and directed by Court.

- b) The applicant shall not sell, mortgage, transfer or dispose of said car in question in any manner and shall not make any change in its body, colour, chassis number and engine number.
- c) Before giving interim custody of the seized car in question to applicant, colour, photographs of cabinet size from different clearly angles indicating registration number and other particulars of seized Mercedes Benz car in question shall be kept on file and expenses of photographs shall be borne by applicant.

It is made clear that in case of allegations regarding involvement of said seized Mercedes Benz car in question to any criminal activities or in transportation of any objectionable articles, the order as to interim release of the car in question shall stands vacated automatically.

Panvel
Date :-11/03/2026

(S. R. Ugale)
Special (MCOCA) Judge,
Panvel

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 : S.J.Sheth
Name of the Court : Additional Sessions Judge,
Panvel Raigad
Date of dictation (Direct) : 11/03/2026
Order signed by the P.O.on : 27/03/2026
Order uploaded on : 27/03/2026