

MHRG170010322020



ORDER BELOW EXH. 41
IN SPECIAL (MCOC) CASE NO.106/2020
THE STATE OF MAHARASHTRA V/S. PRAVESH RAMPUJAN
CHOUDHARI AND OTHERS.
(PASSED ON 21st DAY OF JANUARY, 2023)

The applicant/accused-Pravesh Rampujan Choudhari moved this application to release the original driving license and smart card and in alternative prayed for permission to obtain second copy of license from the Regional Transport Office.

2. The learned A.P.P. objected to return the original documents and has no objection to accord leave to obtain second copy of it.

3. Points for the determination and my findings thereon for the reasons stated below;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to release the original driving license	No.

	of the applicant in terms of prayer ?	
II.	Whether leave can be accorded to obtain second copy of license from concerned office?	Yes.
III.	What Order ?	The application is Allowed.

REASONS

4. Perused application, say filed. Heard learned advocate for the applicant, as well as learned A.P.P for the prosecution.

AS TO POINTS NO. I TO III :

5. The offence registered against the applicant is under Section 465, 468, 471, 34 of the Indian Penal Code and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (MCOCA). Police seized his Smart card, motor driving license while arresting him. The applicant moved application for bail vide section 439 of the Code of Criminal Procedure. This court granted regular bail to applicant as per order dated 30.09.2022 subject to terms and conditions. He is

driver by profession. He needs smart card and driving license for his profession as a driver.

6. The original document of smart card and driving license are required during course of trial. According to the applicant, if original document is not returned to him then in that eventuality, liberty be given to him to apply for second copy from the concerned department. Since these seized documents are required for trial, hence that cannot be returned. Then in that eventuality, liberty to process the application before Regional Transport Office can be granted for obtaining second copy of it. If this leave is not granted then his source of livelihood as a driver by profession will be put at stake.

7. Thus in order to overcome with this situation and retaining original documents with the record for trial, then in that eventuality liberty to apply for second copy is the only option. On that count, I answer Point No.I in negative and Point No.II in affirmative. With this I pass following order ;

ORDER

1)	The application is allowed as under ;
----	---------------------------------------

i)	The request application for return of original document-smart card and driving license is dismissed.
ii)	The liberty is accorded to the applicant to apply for second copy before Regional Transport Office.
2)	Inform to concerned police station.
	Dictated and pronounced in Open Court.

Place : Panvel

Date : 21.01.2023

**(K.G. Paldewar)
Additional Sessions Judge,
Panvel**

Arguments heard on	19 th Day of January, 2023
Judgment delivered on	21 st Day of January, 2023
Dictated on	21 st Day of January, 2023
Transcribed on	21 st Day of January, 2023
Checked and signed on	21 st Day of January, 2023

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

5 Special (MCOC) Case N.106/2020
The State V/s. Pravesh R.Chaudhari
and others
Exhibit No. 41

Name of the Stenographer : P.S.Mhatre,
Name of the Court : Additional Sessions Court,
Panvel
Date of Judgment/Order : 21.01.2023
Judgment/Order signed on : 21.01.2023
Presiding Officer : K.G. Paldewar
Judgment/Order uploaded on : 21.01.2023