

-1- Spl Atrocity Case No.124/2024.
Uran C.R.No.216/2024.
The State V/s. Nijamuddin Ali and Others.
Order below Exh.06

MHRG170014872024



ORDER BELOW EXH.06
IN SPECIAL ATROCITY CASE No.124/2024
URAN C.R.NO.216/2024
THE STATE V/S. NIJAMUDDIN ALI AND OTHERS
(PASSED ON 10th DAY OF MARCH, 2025)

This application is moved on behalf of applicant – Ramchandra Ramsundar Gupta for release of seized vehicle i.e. Maruti Suzuki India Ltd. (Black-Yellow colour) bearing No.MH-03/AT-5634, Chassis No.MA3ERLF1S00434127, Engine No.G12BN410903 vide Section 457 of the Code of Criminal Procedure.

2. The investigating officer and learned A.P.P have filed reply and objected to release the seized vehicle in favour of applicant.

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 seized vehicle in terms of prayer ?	Yes.

II.	What Order ?	The application is Allowed.
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REASONS

4. Perused application, say filed. Heard learned advocate for applicant Smt.Suchita Patil as well as learned Spl.A.PP. Shri. K.M.Mhatre for the State.

AS TO POINTS NO. I AND II :

5. The prosecution is registered as Crime No. 216/2024 for the offence under Section Section 302, 201 of the Indian Penal Code against unknown person. Further investigating officer added Section 376(2)(n), 34 of the Indian Penal Code and under Section 3(1)(w)(i)(ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station, Uran.

6. The applicant is the owner of the above seized vehicle. He is not an accused in the alleged offence. The vehicle is used in the crime by the accused No.1. The applicant has no concerned with said offence. It is seized by the investigating officer in connection with this crime.

-3- Spl Atrocity Case No.124/2024.
Uran C.R.No.216/2024.
The State V/s. Nijamuddin Ali and Others.
Order below Exh.06

7. Now the applicant moved application for release of seized vehicle on *suprutnama*. The applicant placed on record copy of registration certificate, copy of FIR, copy of Aadhar Card, copy of permit, insurance, CNG Cylinder test certificate, fitness certificate, certificate of limit device, fare meter test certificate, receipts of profession tax and copy of R.C.Book. On perusal, it transpires that the vehicle is standing in the name of applicant.

8. The vehicle is lying idle at police station. In the light of directions of Hon'ble Apex Court in the case of Sunderbhai Ambalal Desai V/s State of Gujrat dated 01.10.2002 the seized vehicle should be released immediately on *supurtanama* to the person entitled.

9. The applicant is the registered owner of the seized vehicle. The seized vehicle shall not be detained for an unending period. If the vehicle is detained at police station, it will get deteriorated and its value get diminished. Then, the vehicle may be of no use. If custody is handed over to the person entitled then, the vehicle will be kept in moving condition. Learned Spl. A.PP has no objection to release the vehicle subject to terms and conditions.

10. In the light of reasons foregoing, grounds are

justified to release the vehicle in favour of applicant subject to terms and conditions. I answer Point No. I in the affirmative. With this, I pass following order ;

ORDER

1)	The application for interim custody of the seized vehicle i.e. Maruti Suzuki India Ltd. (Black-Yellow colour) bearing No.MH-03/AT-5634,Chassis No. MA3ERLF1S00434127, Engine No.G12BN410903 vide Section 457 of the Code of Criminal Procedure is allowed.
2)	The Investigating Officer, Police Station, Uran in Crime No.216/2024 is directed to hand over the custody of the seized vehicle in favour of the applicant -Mr.Ramchandra Ramsundar Gupta on following terms and conditions;
(i)	The applicant shall not cause any material alteration to it.
(ii)	The applicant shall not alienate or create third party interest upon it.

-5- Spl Atrocity Case No.124/2024.
Uran C.R.No.216/2024.
The State V/s. Nijamuddin Ali and Others.
Order below Exh.06

(iii)	The applicant shall produce the seized vehicle whenever called by Court as and when required.
(iv)	The Investigating Officer shall take photographs of the seized vehicle before releasing it and compliance be forwarded to this Court.
(v)	The applicant shall execute indemnity bond of Rs.3,00,000/- (Rupees Three Lakh only) and undertook above conditions in it.
3)	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Panvel,
Date : 10.03.2025.

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

Arguments heard on	15 th Day of February, 2025.
Judgment/order delivered on	10 th Day of March, 2025.
Dictated on	10 th Day of March, 2025.
Transcribed on	10 th Day of March, 2025.
Checked and signed on	10 th Day of March, 2025.

CERTIFICATE

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

Name of the Stenographer	: K. N. Lokhande
Name of the Court	: Additional Sessions
Judge,	Panvel
Date of Judgment/Order	: 10.03.2025.
Judgment/Order signed on	: 10.03.2025.
Presiding Officer	: K.G. Paldewar
Judgment/Order uploaded on	: 10.03.2025.