

-1- Sessions Case No.141/2024.
Kharghar C.R.No.217/2024.
The State V/s. Raj @ Mohammad Asif
Mohammad Galib Shaikh & Ors.
Order below Exh.08

MHRG170021802024



ORDER BELOW EXH.08
IN SESSIONS CASE NO.141/2024
KHARGHAR C.R.NO.217/2024.
THE STATE - V/S. - RAJ @ MOHAMMAD ASIF
MOHAMMAD GALIB SHAIKH AND OTHERS
(PASSED ON 10th DAY OF APRIL, 2025)

This application is moved on behalf of applicant – Suresh Tukaram Chavan for release of seized motor cycle bearing No.MH-04/LR-5094 vide Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The investigating officer filed his say vide Exh.48 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 Shri. Arun Singh as well as learned Spl.A.P.P. Shri. A.R.Kadam for the State.

AS TO POINTS NO. I AND II :

5. The prosecution has booked the Crime No. 217/2024 for the offence under Section under Section 395, 120(B), 170, 323, 504, 506, 34 of the Indian Penal Code against applicants/accused No.6 and other accused. Later on investigating officer added Section 363, 465, 468, 471 of the Act at Police Station Kharghar.

6. The applicant is the owner of the above seized vehicle. He is not an accused in the offence. The vehicle is used in the crime by the accused No.2. The applicant has no concerned with said offence. It is seized by the investigating officer in connection with this crime.

7. Now the applicant moved application for release of

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seized vehicle on *suprutnama*. The applicant placed on record copy of R.C.Book and copy of Aadhar Card. 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.

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. motor cycle/ scooter bearing No.MH-04/LR-5094, Engine No.PDXCPA08741 Chassis No.MD2A22EX1PCA60911, colour – E Bony Lack Met, Black, Model No. Avenger 220 Street vide Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2)	The Investigating Officer, Police Station, Kharghar in Crime No.217/2024 is directed to hand over the custody of the seized vehicle in favour of the applicant -Suresh Tukaram Chavan 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.
(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.

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(v)	The applicant shall execute indemnity bond of Rs.1,00,000/- (Rupees One Lakh only) and undertook above conditions in it.
3)	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

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

Date : 10.04.2025

Arguments heard on	07 th Day of April, 2025.
Order delivered on	10 th Day of April, 2025.
Dictated on	10 th Day of April, 2025.
Transcribed on	10 th Day of April, 2025.
Checked and signed on	11 th Day of April, 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 Court,
Panvel
Date of Order : 10.04.2025.
Order signed on : 11.04.2025.
Presiding Officer : K.G. Paldewar
Order uploaded on : 11.04.2025.