

MHRT010003772023



IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI.

(Presided by A. M. Ambalkar, Addl. Sessions Judge, Ratnagiri)

Sessions Case No. 15/2023.

The State Of Maharashtra

Prosecution

Vs.

Pandharinath V. Amberkar

Accused

ORDER BELOW EXH.23.

(Decided on 29.05.2024)

This application is filed by the applicant viz: Shri. Pandharinath Vidyadhar Amberkar, for return of property, i.e four wheeler Mahindra Thar LX DAT 4WD 4S HT, bearing RTO registration No. MH-08-AX- 6100, Chassis No. MA1UJ4YF7N2D47425, Engine No.YFN4D42004, having black colour, seized by Rajapur Police Station, Tal. Rajapur, Dist. Ratnagiri in CR No. 19/2023, for the offence punishable under Sections 302, 201 of the IPC and section 4 of The Maharashtra Media Persons and Media Institutions (Prevention of Violence and damage or Loss to Property) Act, 2017.

2. It is contended by the applicant that he is owner of the aforesaid vehicle. He is now in judicial custody. The said vehicle is seized by Rajapur Police Station, Tal. Rajapur, Dist. Ratnagiri in CR. No.19/2023. The said vehicle is lying in said Police station. The applicant further submitted that if the vehicle remained at the police station, its battery, engine, tyres and other parts will get damaged and he will suffer loss due to its non-use. The said vehicle is day to day required to himself and to his family, etc. He also prayed to return the said vehicle to his sister Sau. Pratiksha Prashant Khadpe @ Deepali Vidhyadhar Amberkar (before marriage). He also assured that she will abide all the conditions imposed by the Court. He has filed his undertaking at Exh.40 to that effect. Therefore, the applicant prayed for return of the said vehicle.

3. The prosecution has filed say at Exh.26 and submitted that the vehicle is used as weapon in commission of serious offence like murder. The vehicle is having evidential value at the time of trial. If the vehicle is returned to the owner, there is possibility that he may change its nature and ownership. There is also possibility that he will not produce the said vehicle before the Court at the time of trial. It is also submitted that applicant can call the mechanic of the vehicle under police supervision at Rajapur Police Station for maintenance by taking order of Court. So there is no need to return the said vehicle to the applicant. Finally, prayed for rejection of the application.

4. Heard learned APP for the state and learned Advocate for the applicant. The applicant filed on record photocopy of registration

certificate of vehicle, insurance policy of said vehicle and also produced Aadhaar Card of his sister Sau. Pratiksha Prashant Khadpe. Ld. Advocate for accused relied upon following judgments.

- (1) Sunderbhai Ambalal Desai Vs. State of Gujrat, 2003 ALL MR (Cri) 363 (S.C.)
- (2) Pralhad s/o. Babanrao Thombre Vs. The State of Maharashtra, 2012 ALL MR (Cri)3844
- (3) Tata Motors Finance Ltd. Vs. The State of Maharashtra & Ors., 2015 ALL MR (Cri) 2122
- (4) Sheru Singh Vs. The State Of Madhya Pradesh on 18 July, 2018, decided by Hon'ble Madhya Pradesh High Court.
- (5) Ramdas S/o. Mahadeo Pachgade Vs. Police Station, Cham, 2003 ALL MR (Cri) 687
- (6) Swapnil s/o. Ganesh Gaikwad Vs. State of Maharashtra, 2020 ALL MR (Cri) 2905
- (7) Jeevan Pundlikrao Kendre Vs. State of Maharashtra, 2004 ALL MR (Cri) 3380
- (8) C. Shanmugavel Vs. Eswari & Anr., 2019 ALL SCR (Cri) 836
- (9) Jawaji Theja & anr Vs. The State Of Karnataka & anr, decided on 27 October, 2022, decided by Hon'ble Karnataka High Court, bench at Bengaluru.

5. Perused the application and documents. It appears from the documents that the applicant Shri. Pandharinath Vidyadhar Amberkar is owner of the said vehicle. The said vehicle is seized by Rajapur Police Station, Tal. Rajapur, Dist. Ratnagir in CR No. 19/2023, for the offence punishable under Sections 302, 201 of the IPC and section 4 of

The Maharashtra Media Persons and Media Institutions (Prevention of Violence and damage or Loss to Property) Act, 2017. The aforesaid vehicle is lying with Rajapur Police Station, certainly losing its value and utility day by day due to natural decay and weather condition. As far as the evidential value of vehicle is concerned, its photographs by all sides and angles with panchanama would suffice the purpose. There is no reason to keep the seized vehicle with police station. If it releases on execution of bond with certain conditions would meet apprehension of prosecution as to sale and misuse of it by applicant or his relatives. Hence, the following order :

**ORDER**

1. The application is allowed.
2. Police Inspector, Rajapur Police Station, Tal. Rajapur, Dist. Ratnagiri, is hereby directed to return the property i.e. four-wheeler Mahindra Thar LX DAT 4WD 4S HT, bearing RTO registration No. MH-08-AX- 6100, Chassis No. MA1UJ4YF7N2D47425, Engine No.YFN4D42004, having Nepoli black colour, seized by Rajapur Police Station, Tal. Rajapur, Dist. Ratnagiri in CR No. 19/2023, for the offence punishable under Sections 302, 201 of the IPC and section 4 of The Maharashtra Media Persons and Media Institutions (Prevention of Violence and damage or Loss to Property) Act, 2017, to the sister of applicant i.e., Sau. Pratiksha Prashant Khadpe @ Deepali Vidhyadhar Amberkar (before marriage), on executing a bond / Supurtanama of Rs. 17,00,000/- ( Rupees Seventeen lakhs only) by the sister of applicant, for the aforesaid vehicle, on condition that not to dispose, alter, transfer, sell, alienate the said vehicle without permission of this

Court and produce the same as and when asked to produce the same.

3. Police Inspector, Rajapur Police Station, Tal. Rajapur, Dist. Ratnagiri is hereby directed to prepare detail panchanama and also to snap photographs, of the aforesaid vehicle, before returning the vehicle to the sister of applicant.

**Date: 29.05.2024**

**(A. M. Ambalkar)**  
**Addl. Sessions Judge, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Sessions Case No.15/2023 Order below Exh.23
Name of Stenographer	:-	Shri.Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri.
Date of Dictation	:-	29.05.2024
Order signed by the P.O. on	:-	29.05.2024
Order uploaded on	:-	29.05.2024