

MHRT050001672026



Cri. M. A. No.7/2026

Shankarlal Bhimaji Patel

Vs.

State of Maharashtra

ORDER BELOW EXH.1

This is the application filed by the applicant under Section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short BNNS), for interim custody of Bolero Truck made up of Mahindra bearing R.T.O. passing No.MH-43-BB-0504 having chasis No. MA1ZT2GLKF2J64264 and engine No. GLF4J61246 which is seized by Police Station, Khed in connection with crime No.305/2025 for offence punishable under Section 305(c) of the Bharatiya Nyaya Sanhita, 2023.

02. The applicant has submitted that he is the owner of seized vehicle. He is not an accused in the said crime. He is in need of the vehicle to pursue his day to day business. Lastly, applicant prayed for interim custody of his vehicle. He contends that the seized vehicle may deteriorate if it is lying in the custody of police. He is ready to abide by every condition which may be imposed by the Court. In support of his contention, he has filed copy of FIR, remand report, RC book and insurance certificate of vehicle and his Aadhar card and driving licence,.

03. Say of Investigating officer, learned A.P.P. and of accused no.3 was called. Investigating officer has filed his say at Exh.08 and resisted the application on the ground that the offence is serious and the investigation is in progress. There is possibility that the said vehicle may be again used in other crimes. Therefore, it is urged for

rejection of claim.

04. Learned APP has filed his say at Exh.07 and resisted the application on the ground that applicant is not an accused in the said crime, but the seized vehicle has been used in illegal act. The applicant has not produced any documentary evidence of ownership of the vehicle. Therefore, it is urged for rejection of claim. Accused no.3 has not filed say.

05. Perused the averment of the application, say of Ld. APP, I.O. and documents filed by the applicant on record. I have heard learned counsel appearing on behalf of applicant and learned APP for state.

06. On perusal of documents filed on record more particularly copy of RC Book, driving licence, Insurance, aadhar card of the applicant *prima-facie* it appears that; applicant is the registered owner of the seized vehicle. Furthermore, nobody except the applicant is approached to this court to claim the said vehicle. It is to be noted that the vehicle may deteriorate due to rust, atmosphere and its non-use for long period. The Hon'ble Apex Court in the case of *Sunderbhai Amabalal Desai Vs State of Gujrat, AIR 2003, page 68*, has issued guidelines which needs to be adhered scrupulously. In such circumstance, I find no impediment to hand over interim custody of the vehicle in favour for applicant. In the result, I pass following order.

ORDER

01. Application is allowed.
02. The Inspector, Police Station, Khed is hereby directed to hand over interim custody of Bolero

Truck made up of Mahindra bearing R.T.O. passing No.MH-43-BB-0504 in Crime No.305/2025 to the applicant on executing by him a indemnity bond of Eight Lac rupees and surety of Fifteen Thousands rupees.

03. The investigating officer is directed to prepare detail panchanama and if required at the cost of the applicant to take color photographs of seized vehicle and to verify the original document of the vehicle at the time of releasing to the applicant.
04. The applicant shall not change in nature, color of the vehicle and also not to transfer or dispose of in any manner till the decision of the case.
05. The applicant to execute indemnity bond before the I.O. and to furnish surety bond in court.
06. The I.O. is directed to submit the indemnity bond along with the charge-sheet in court.
07. Inform concerned I.O., accordingly.

Date : 18.03.2026

(S. M. Chavan)
Judicial Magistrate First Class,
Khed, Dist. Ratnagiri.

CERTIFICATE

Case No.	:	Cri.M.A. No.7/2026
I affirm that the contents of this pdf file order are same word as per original Judgment/order.		
Name of Stenographer	:	Sou. S. J. Salunkhe
Court Name	:	Jt. C.J.J.D. & J.M.F.C. Court, Khed.
Date of Decision	:	18.03.2026
Judgment/Order signed by Presiding Officer on	:	18.03.2026
Judgment/Order uploaded on	:	24.03.2026