



**ORDER PASSED BELOW EXH.03 IN**  
Regular Criminal Case No.02/2024  
CNR No. MHSI06-000026-2024  
( State V/s. Omprakash Balai )

- 1.** The applicant Omprakash Lalchand Balai has filed this application for return of muddemal i.e. Two wheeler Activa Scooter I company's Activa 6G STD having Chassis No. ME4JF913HMW350118, Engine No.JF91EW0349686 having registration No. MH-07-AQ-3820 manufactured in the year 2021 seized in C.R.No.335/2023 by Sawantwadi Police Station, Tal-Sawantwadi, Dist. Sindhudurg and registered for the offence punishable under section 354 of the Indian Penal Code 1860, which is triable by this court. ["said vehicle" for short].
- 2.** According to the applicant, now the said vehicle is lying with the Sawantwadi Police Station since it was seized in C.R.No.335/2023 and it may cause damage to the said vehicle and therefore he requested to return the said vehicle. Applicant is ready to obey the conditions imposed by this Court. Hence the application.
- 3.** I.O. i.e. M.R.Almeda WPC/259 of Sawantwadi Police Station has filed his say *vide* Exh.9 and Ld. Spl. A.P.P. Submit her say at Exh.8. They both have stated that no objection to return of said vehicle to the applicant by imposing certain condition. Accused person of said crime has filed his say at exh.15 and stated that he has no objection to return said vehicle to applicant.
- 4.** I have perused documents filed along with list *vide* Exh.6/1 and 6/2 i.e. Verified copy of registration certificate issued by R.T.O. Sindhudurg and verified copy of Aadhar card of the applicant. All the documents speaks that present applicant is the owner of said vehicle.
- 5.** Hon'ble Apex Court in **Suderbai Ambalal Desai vs. State of Gujarat (AIR 2003 SC 638)** directed to dispose of the application received under provision 451 of the Cr.P.c. expeditiously. As rightly pointed out by the Ld. Adv. for applicant, no fruitful purpose will be served by detaining the vehicle and refusing its custody has raised objection to present application till date. Alleged offences are triable by this court. Thus, being owner of the seized vehicle applicant is entitled to its interim custody. In such situation, if seized muddemal is returned to the applicant by imposing certain

conditions, purpose of prosecution will serve. Hence, there is no reason to refuse prayer of applicant. In the circumstances, I pass following Order:-

**-:- O R D E R -:-**

- 1] Application is allowed.
- 2] The applicant shall execute indemnity bond of Rs.60,000/- for binding himself to produce the said vehicle as and when directed by the Court & in default to forfeit the amount of Rs.60,000/-.
- 3] The applicant shall furnish at his own expenses, to the Investigation Officer of C.R.No.335/2023 of Sawantwadi Police station two self attested colour photographs of said vehicle for its identification purpose. The Investigation Officer shall facilitate such photography.
- 4] Applicant shall not alienate, transfer and change the nature of said vehicle till final disposal of the said crime.
- 5] Applicant shall not use said vehicle for commission of any offence.
- 6] The Investigation Officer of C.R.No.335/2023 shall prepare a possession receipt-cum-panchanama, handover custody of seized vehicle of above stated chassis number, engine number & registration number to the applicant and report to this court.
- 7] Copy of this order be sent to Investigation Officer, Sawantwadi Police Station.

(Dictated & pronounced in open Court)

Date:-08/02/2024.

sd/-  
( Smt.D.P.Pujari )  
J.M.F.C.Sawantwadi.