



ORDER PASSED BELOW EXH.08 IN
Summary Criminal Case No.42/2024
CNR No. MHSI06-000079-2024
 (State V/s.Dattatray Patil)

1. The applicant Dattatray Krishna Patil has filed this application for return of muddemal i.e. Two wheeler Bajaj Company Platina 100 ES (CBC) having Chassis No.MD2A76AY7KWC19266, Engine No.PFYWKC85656 having registration No.MH-10-DF-6141 manufactured in the year 2019 seized in C.R.No.10/2024 by Sawantwadi Police Station, Tal-Sawantwadi, Dist. Sindhudurg and registered under section 65 (a), (e) of the Maharashtra Prohibition Act 1949 ["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.10/2024 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. S.R.Pirankar Police Head Constable of Sawantwadi Police Station has filed his say *vide* Exh.10 and stated no objection to return of said vehicle to applicant. Ld. Spl.A.P.P has submitted her say on overleaf of the application and resisted the application on the ground that applicant may alienate or change the nature of seized vehicle, if it is returned to him.

4. I have perused documents filed along with list *vide* Exh.9/1 and 9/2 i.e. Photo copy of registration certificate issued by R.T.O. Sangli and Computerized copy of Insurance Policy of the applicant. All documents show 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] Applicant shall execute indemnity bond of Rs.30,000/- for binding himself to produce the said vehicle as and when directed by the Court & in default to forfeit the amount of Rs.30,000/-.
- 3] The applicant shall furnish at his own expenses, two self attested colour photographs of said vehicle for its identification purpose, at the time of execution of indemnity bond. 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 such type of offences.
- 6] The Investigation Officer of C.R.No.10/2024 shall prepare a possession receipt-cum-panchanama and handover custody of seized vehicle of above stated chassis number, engine number & registration number to the applicant and forward possession receipt-cum-panchanama to the Court forthwith.
- 7] Copy of this order be sent to Investigation Officer, Sawantwadi Police Station.

(Dictated & pronounced in open Court)

Date:- 28/05/2024.

(D. P. Pujari)
J.M.F.C.Sawantwadi.