

**Reg. Cri. Case No. 209/2018**  
**( State vs. Anis Choudhari etc. )**  
**CNR-MHSNO30020892018**

**ORDER BELOW EXH. 4**

Read the application, say of APP and Investigating officer. Perused entire proceeding. Heard both the sides at length.

2. This is the application filed by the applicant Sadashiv Dadu Patil u/sec 451 of Criminal Procedure Code. It is his contention that in C.R. No. 31/2018 a TATA Truck bearing no. MH-07-533 is seized by the police. The said vehicle is of his personal use. In the year 2018, the police has filed the chargesheet. The applicant purchased the said truck on 22/07/2010 from Ashok Ramchandra Bagwe, resident of Malvan. The applicant is using the said truck for his sugarcane business. Initially, he filed Criminal Miscellaneous Application No. 19/2019 in the court of Judicial Magistrate, First Class whereupon, a say was filed by the Investigation Officer. It is his contention that if the said truck is kept stationary, naturally, it would diminish its value and the applicant would be put to greater hardship. Accordingly, it is contended that the application, be allowed.

3. The learned APP objected the application that the property is essential for trial. Also, it is objected that there is a possibility of alteration and there will be complications. Hence, it is contended that the application be rejected. The Investigation Officer filed say at Exh. 6 whereby, it is contended that so far as truck No. MH-07-533, it is contended that it is bearing Chassis no. 373011MS0730330. Moreover, it is contended that Engine Number Plate is removed while Chassis

Number is welded and it is mentioned as 373341LVZ751767. However, in the details it is contended that the truck be handed over to the owner.

4. The applicant has produced copy of registration certificate which states that the vehicle stands in his name and that too the RC Book discloses the Chassis no. **373011MSQ730330**. Thus, considering this material aspect, again turning back to the record, it is to be noted that during the hearing of this application along with Exh. 6, a trace paper pencil mark is produced on record which particularly states Chassis no. **373011MS0730330**. It is interesting to note that there are several panchanamas and the documents on record which particularly discloses that a truck bearing Chassis no. **373011MS0730330** is seized. It is important to note that as per the report of the Investigation Officer, there is a welding and number is tampered. It is interesting to note that the Chassis number and the copy of RC Book which is produced, there is a difference and that too, the report of Road Transport Authority dated 29/12/2017, copy of which is on record which particularly states that the Chassis plate is welded and there is manipulation in Chassis number. It is important to note that so far as this vehicle is concerned, the applicant has already filed application for release of vehicle bearing Criminal M.A no. 19/2019 which was rejected by learned JMFC Court no. 4, Sangli. earlier the applicant preferred Criminal Revision Application number 55/2018 in the Honourable Sessions Court with respect to this vehicle wherein the application is rejected on 3/08/2018. On going through the record and proceeding, having imprint of fake Chassis and Engine number on the vehicle seized from the custody of the accused in the background, suspicion that the truck seized from the accused may be stolen property cannot be ruled out. Chassis number is tampered. The learned counsel for the applicant placed reliance on the

case law of Honourable Apex Court in the case of **Sunderbhai Ambalal Desai v/s State of Gujrat (2003) All M.R (Cri) 363 (SC)**. But the principles led down in it cannot be made applicable in this case as it is highly difficult to ascertain true owner of the truck. Hence, my humble view is that the aforesaid case law is not helpful to the applicant. Thus, with the above reasonings, the application filed for interim custody requires to be rejected. Hence, the order.

**ORDER**

The application stands rejected.

Sangli.  
Date - 12.03.2020.

[ P. A. Sane ]  
Chief Judicial Magistrate Sangli.

**CERTIFICATE**

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

Name of Stenographer	:	P. G. Jangam
Court	:	Chief Judicial Magistrate,Sangli.
Date	:	12.03.2020
Order signed by the	:	
Presiding Officer on	:	12.03.2020
Order uploaded on	:	12.03.2020