

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

**ORDER BELOW EXH. 11**

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 u/sec 451 of Criminal Procedure Code. It is his contention that he owns a TATA Truck bearing number MH-04-CG-0856. The said truck is bearing Chassis no. 373341LVZ751764 and Engine number 697TC45LV947716 and the applicant is the owner of the said truck. It is his contention that if the said truck is kept stationary, he will be put to greater hardship. Accordingly, it is his contention that the custody of this vehicle be handed over to him. The learned APP objected this application by filing say at Exh. 16 and it is objected that the description of the truck given by the applicant is different from the description given in the panchnama. It is also objected that there is a report of the RTO that there is tampering of Chassis plate and Engine number plate is not found. Hence, it is contended that the applicant is not entitled for the custody of the vehicle. Hence, it is contended that the application be rejected.

3. The Investigation Officer submitted that Chassis number plate is cut off and there is tampering as regards to Chassis plate on the vehicle. The Investigation Officer stated that the vehicle be handed over to the true owner. The applicant produced the RC Book. It is to be noted that there is copy of panchnama regarding the seizure of vehicles and it is pointed out by the learned APP that when the panchnama are

concerned, there is the list of the vehicle on page no. 13 that there are 1 to 9 vehicles having Chassis number and none of it bears Chassis no 37341LVZ751764 and on the other side, there is a list of vehicle serial number 10 to 70 and none of the Chassis number is the same as stated by the applicant. So, in the aforesaid circumstances, it is the contention of the applicant that the aforesaid vehicle be handed over to him. On minutely perusing the record and proceeding, it particularly shows that there is a tampering of the Chassis number and the description given by the applicant is mismatching to the description of the Chassis number, more particularly stated in RTO report that no Engine number plate is found. So in the light of the above circumstances, the facts in the case law in **Sunderbhai Ambalal Desai v/s State of Gujarat 2003 All.M.R. (Cri) 363 (SC)** are concerned, my humble view is that it is not helpful to the applicant on the background of suspicion that the truck seized from the accused may be stolen property cannot be ruled out. In the facts and the circumstances, Chassis number is tampered and it is highly difficult to locate the truck in order to ascertain its true owner. Hence, the application given by the applicant for the interim custody of the vehicle, I am of the view that the applicant is not entitled for the interim custody of the vehicle. Hence, the application 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