

ORDER BELOW EXH-7 IN SESSIONS CASE NO.21/2023

The State of Maharashtra ... Complainant
V/s.
Dilip Shantaram Jadhav, etc. ... Accused.

The third party Shri.Mahadeo Bhimrao Mandale has filed this application under Section 457 of the Code of Criminal Procedure, for return of one black Coloured Motorcycle bearing registration No.MH-10-CE-8554 of Hero company, Model HFDLS DRS, seized by Islampur Police Station in C.R. No.489 of 2022.

2. Perused application, say of learned A.P.P. as well as accused and documents on record. Heard, learned Advocate for the applicant and A.P.P. The accused persons and the State have no objection for returning the seized motorcycle on certain conditions in favour of applicant.

3. It is a matter of fact that, Motorcycle of Hero company is seized in the present crime by the Investigation Officer. The applicant has produced copies of registration certificate of motorcycle, insurance policy and Aadhar Card at list (Exh.9). It appears that the applicant is the owner of the seized Motorcycle. In such circumstances, it is desirable to release the seized Motorcycle to the applicant, otherwise by the passage of time, the Motorcycle will get damaged. It is not disputed that the applicant is the owner of said Motorcycle. Therefore, he is entitled to get the custody of the seized Motorcycle on certain conditions. In the result, I proceed to pass following order.

: ORDER :

- 1] The application is allowed.

- 2] The seized muddemal i.e., one black Coloured Motorcycle bearing registration No.MH-10-CE-8554 of Hero company, Model HFDLS DRS, be returned to the applicant on executing Indemnity Bond of Rs.1,00,000/-on due verification, subject to following condition :-
- A] Applicant is directed not to transfer, not to change the nature of muddemal in anyway till final disposal of the case and the same be produced as and when directed by this Court.
- 3] Before handing over the interim custody of said vehicle, I.O. shall snap its photographs in different angles and that too, at the costs of the applicant and record necessary panchnama.
- 4] Issue letter to concerned police station accordingly.

Date: 25/09/2023.

(A. H. Kashikar)
Additional Sessions Judge,
Islampur.

CERTIFICATE

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

Name of the Stenographer	:	J. R. More, (Steno Grade-I)
Court Name	:	Adhoc District Judge-1 & Addl. Sessions Judge, Islampur.
Date of Order	:	25/09/2023.
Signed by P.O. on	:	25/09/2023.
Uploaded on	:	25/09/2023.