

CNR-NO-MHSN0-4000528-2023
ORDER BELOW EXH.27 IN SESSIONS CASE NO.34/2023

The State of Maharashtra	... Complainant
V/s.	
Sharad Machindra Dutale	... Accused.

The applicant being third party has moved this application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for return of Bajaj Company M-80 Two Wheeler vehicle bearing registration No.MH-10-J-9503, seized by by Islampur Police Station in C.R. No.104/2023 having this Sessions case No.34/2023.

02. In the application it is stated that police had seized the above referred vehicle from the alleged spot of incident. Said vehicle was owned by the deceased husband of applicant namely Balaso Kisan Sawant. The applicant is the wife of deceased owner of the vehicle and the deceased Suraj Sawant is her son of whose murder the present trial is being conducted.

03. The vehicle is owned by present applicant being the legal heir of owner Balaso Kisan Sawant. The applicant is ready to abide all the conditions imposed while returning the vehicle on Supurtnama. Hence, she prayed that the above referred vehicle be returned to her on Supurtnama.

04. Record shows that the prosecution/Ld.APP as well as accused has given no objection for handing over the vehicle to the applicant.

05. I have gone through the record of the case and the application moved by the applicant. Undoubtedly the prosecution and accused has given no objection for returning vehicle to the applicant.

However, it is visible from record that applicant has not produced any document on record relating to ownership and registration of vehicle. In said circumstances, when there is no evident material to show that the vehicle was owned by her deceased husband or applicant it is not justified to release the vehicle in favour of applicant.

06. Hence, considering the aforesaid discussion, I proceed to pass following order :-

ORDER

Application stands rejected.

Date: 20/09/2024.

(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	:	20/09/2024
Signed by P.O. on	:	20/09/2024
Uploaded on	:	21/09/2024