

MHSN040010652020



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Special (MCOCA) Case No. 42/2020

Suresh Shahaji Patil

...Applicant.

Vs.

State of Maharashtra

... Respondent

ORDER BELOW EXH. 61

1] This is an application for custody of muddemal property Splendor-Plus two wheeler having Registration No. MH-11/CM-0329, Chassis No. MBLHARO78HHK45952 Engine No. HA10AGHHK49728.

2] Perused the application and say given by police at Exh. 81 through learned Spl.PP

3] Heard learned advocate Shri. N.V. Jadhav holding for Ld. Advocate C.R. Patil and learned Spl. PP for Shri. R.S. Patil for the State.

4] The learned advocate Shri. N.V. Jadhav argued that the applicant is owner of the seized vehicle. Applicant has no concern with crime and accused Pratik @ Pillya Suresh Patil had used the vehicle owned by applicant and the applicant was unaware that the vehicle was being used for the

commission of crime. According to him no purpose would be served by keeping the vehicle idle without being used. He prayed for the custody of the property and submitted that the applicant is ready to abide any condition imposed.

5] The learned Sp.PP. while opposing the application has argued that the offence in question is serious and crime was committed using the vehicle in question.

6] The application is supported by affidavit of the applicant. Applicant has filed on record the photocopy of R.C. Book and his identity proof. From the copy of R.C. Book it is clear that the applicant is owner of the seized vehicle. Seized vehicle Splendor-Plus Motor cycle No.MH-11/CM-0329 appears to be seized by police under the panchnama dated 29/6/2020. No other person has come forward seeking custody of the property. The applicant appears to be registered owner of the vehicle. He is not connected with the crime. Under these circumstances I find applicant is fit person to receive the custody of property pending hearing of the case. No purpose would be served by keeping said motor cycle lying idle at the police station without being used, as there is every possibility that it would get damaged because of the non user. Under these circumstances, I find no impediment in allowing application on certain conditions and hence following order-

ORDER

1] Application (Exh.61) is allowed.

2] Pending inquiry and trial in Special (MCOC) Case No.42/2020 arising out of Crime Reg. No. 553/2020 registered by Islampur Police Station, the custody of the seized Splendor Plus Motor cycle having Registration No. MH-11/CM-0329, Chassis No.MBLHARO78HHK45952 Engine No. HA10AGHHK49728 be given to the applicant Suresh Shahaji Patil on his due identification and on his executing suprutnama of Rs. 50,000/- on conditions-

- I] Applicant shall not change the nature of property and shall not create any third party interest in it.
- II] Applicant shall produce the vehicle before the court during the trial as and when directed.
- III] While handing over the custody of the property to the applicant the police shall ensure that photographs of the vehicle are taken from all four directions with the care that registration number is visible so that property can be identified during trial. The property be handed over by drawing panchnama. Photographs and panchnama be filed on record by police.

- IV] It is further directed that before giving custody of the property to the applicant, he shall insured the vehicle and police shall put on record of this court the copy of insurance policy.
- 2] The compliance report shall be sent by police to the Court.
- 3] Inform concerned police station accordingly.

Date : 15/06/2024.

(A.Y. Thatte.)
Additional Sessions Judge and
Special Judge, Islampur.

