

MHSN060012862025



ORDER PASSED BELOW EXH.6 IN SUMMARY CRIMINAL CASE
No.813/2025

(State of Maharashtra Vs. Ranjeet Mahadev Gound)

Applicant namely **Mahadev Shamrao Gound** has filed this application under Section 497 of the Bharatiya Nagarik Suraksha Sanhita for return of seized property i.e. Hero Splendor Plus motorcycle, bearing registered No.MH-10-BJ-4902, Chassis No. MBLHA10AMCHK00799, Engine No.HA10EJCHK01313 which was seized by the Miraj City Police Station, Miraj in C.R.No.403/2024, for the offence Punishable Under Section 329(3) and 324(2) of the B.N.S.,2023.

02. According to the applicant, the applicant is not accused in present crime. The applicant is legal owner of the said vehicle. He used seized vehicle for daily routine. Due to seizure of above vehicle he is suffering inconvenience in day to day life. That the vehicle is parked in open space and there is every possibility of damage to the vehicle and junking the same. The applicant is ready to furnish the indemnity bond and ready to abide the conditions as may be imposed by the Court.

03. The learned A.P.P. filed her say at Exh.9 submits that, the police has seized the vehicle in serious offence. The vehicle is likely to be used again in a serious crime of this nature. So she prayed to reject it.

04. Heard the learned advocate for the applicant and Ld. APP. Perused documents filed on record. The applicant has filed copy of vehicle

particulars and copy of Aadhar Card of the applicant. On perusal of copy of Vehicle Particulars of seized vehicle issued by Regional Transport Officer and Aadhar Card. It prima-facie shows that the applicant is the legally entitled to claim possession of the seized vehicle as a owner. The applicant gave affidavit regarding chassis number and engine number of the said vehicle. In such circumstances considering the ratio laid down in **Sunderbhai Ambalal Desai Vs. State of Gujrat on 18 November, 2002** it will be justifiable to grant interim custody of the seized vehicle to the applicant subject to the conditions. From the application, it appears that the applicant is ready to abide all the conditions as may be imposed by the Court. Hence, that the applicant is entitled for temporary custody of seized vehicle on certain terms and conditions. Hence, I pass the following order.

ORDER

- 1 Application is allowed.
- 2 The interim custody of the seized property i.e. Hero Splendor Plus motorcycle, bearing registered No.MH-10-BJ-4902, Chassis No. MBLHA10AMCHK00799, Engine No.HA10EJCHK01313 which was seized by the Miraj City Police Station, Miraj in C.R.No.403/2024, for the offence Punishable Under Section 329(3) and 324(2) of the B.N.S.,2023, be given to the applicant **Mahadev Shamrao Gound**, on executing his indemnity bond before this Court for Rs.20,000/- (Rs. Twenty Thousand Only) till the final disposal of the case, subject to following conditions that :-
 - (i) He shall not use the said vehicle for any kind of illegal and unlawful purpose.
 - (ii) He shall produce it during trial in the proceeding as and when required by the Court,
 - (iii) He shall not transfer, create any third party interest or encumbrance over the above said vehicle without prior

permission of the Court,

(iv) He shall not modify, alter or change the nature of the above said vehicle.

(v) In future if any offence is registered in respect of said vehicle then said bond will stands cancelled.

3 The Investigating Officer is directed to prepare detail panchanama and take photographs of the seized muddemal property from all directions and obtain signature of the applicant on the reverse side of the photographs before handing over its possession to him. Applicant to bear the costs of the photograph. I.O. to forward the said panchanama and photographs to the court.

4 The Assistant Superintendent of this Court for criminal side, is hereby directed to transmit this order to the concerned Regional Transport Officer, to effect the entry in the Certificate of Registration of this vehicle that the transfer of this vehicle is prohibited by this order, without prior permission of the Court.

5 Issue letter to the Miraj City Police Station, Miraj accordingly.

Place : Miraj.
Date : 26/05/2025.

(A. S. Rane)
Judicial Magistrate First Class, Miraj.

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 the Stenographer : Shri. S. K. Jadhav, Grade-3

Name of the Court : Shri. A. S. Rane
Jt. Civil Judge J.D. & J.M.F.C., Miraj.

Date of Decision : 26/05/2025

Order signed by the
Presiding Officer on : 26/05/2025

Order uploaded on : 27/05/2025