

SCC No.93/2026

(State Vs. Tanaji etc.)

Order Below Exh.9

(CNR No.MHSN120001642025)

ORDER BELOW EXH.9

(Passed on 01.04.2026)

By this application under section 497 of B.N.S.S. 2023., applicant namely Shankar Tukaram Madane has prayed to hand over the SPLENDER + (3S-SELF-DRUM-CAST) of Hero Company bearing registration No.MH.10-DB-5940. Above said muddemal is seized by Excise Department, Sangli in crime No.174/2025.

2. I have called report of Investigation Officer filed his say at Exh.11 and Learned APP filed his say at Exh.12. They objected to the present application and prayed to reject the same.

3. It is submitted by the applicant that, applicant is owner of seized vehicle and same is recently been seized by excise police in connection with above alleged crime. Besides, it is kept lying open in premises of said police station, therefore, it is likely to be damaged due to exposure irreparable loss would be caused to applicant, if allowed to retain any longer with police. He is ready to abide all the conditions imposed upon him. Thus, he prayed to allow the application and hand over the custody of seized muddemal to him. He is ready to abide by the conditions.

4. Learned Advocate for the applicant submitted that, applicant is the first informant who had lodged report about robbery of seized muddemal. Accordingly, Crime No.174/2025 was registered

and muddemal recovered in the said crime. Said muddemal belongs to the applicant. Thus, applicant is entitled for the possession of said seized muddemal in this crime. He will suffer economic loss, if said seized muddemal is not returned to him.

5. The applicant has filed on record, the verified copy of R.C. Book of said vehicle & his Aadhar Card. The application supported with the affidavit of applicant.

6. Perused the record. It reveals that, present applicant is the first informant who had lodged the complaint of robbery of seized muddemal against unknown accused persons. From the documents on record especially R.C.Book of said vehicle, the applicant- Shankar Tukaram Madane appears to be the owner of the said vehicle. Thus, applicant is entitled for the possession of said vehicle which has been recovered in this matter. Applicant undertakes to abide with the conditions that will be applied while handing over the possession of said muddemal to him. The contentions in this application is supported by the affidavit of applicant. No other claimant has come forward to claim the possession of said seized muddemal or to challenge the contentions of the applicant. Thus, in view of the decision of Hon'ble Supreme Court in the case of ***Sundarbhai Ambalal Desai Vs. State of Gujarat*** reported in AIR 2003 (SC) 638, the applicant is entitled for interim possession of said seized muddemal till conclusion of trial on certain conditions. Hence this application is deserves to be allowed. Accordingly, I pass following order :-

ORDER

1. The present application (Exh.9) is hereby allowed.

2. Seized vehicle SLENDER + (3S-SELF-DRUM-CAST) of Hero Company bearing registration No.MH.10-DB-5940 (herein after mentioned as subject Vehicle) seized by Excise Department, Sangli in connection with C.R.No.174 of 2025, be given in interim custody of **applicant- Shankar Tukaram Madane** on his due identification and furnishing indemnity bond and security Bond of Rs.1,00,000/- (Rs.One Lac only) on following conditions that :

- A) The applicant shall not alienate, transfer and shall not made any changes to the subject vehicle till the final disposal of C.R. No.174 of 2025 and the criminal case incident thereto.
- B) The applicant shall also submit colored photographs of subject vehicle sufficient to identify it. He shall also not change its colour, model or major parts without prior sanction of this Court.
- C) The applicant shall produce subject vehicle as and when ordered by the Court.
- D) The applicant shall produce his residential address proof before police while furnishing Supurtnama to the I. O.

3. The investigation officer shall verify the original documents and prepare detailed panchnama before handling over the vehicle and same be forwarded to the court with final report u/s.193 of B.N.S.S.

4. Information of the order be given to the concerned police station accordingly.

5. Needless to say that breach of any of the above conditions shall result in vacating this order.

Date:- 01.04.2026.

Place:- Palus.

(M.A.M.J. Shaikh)

Judicial Magistrate First Class, Palus.

CERTIFICATE

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

Name of the Stenographer : Sou.G.A. Patil (Grade-3)
Court : M.A.M.J. Shaikh, Civil Judge
Junior Division & Judicial
Magistrate First Class, Palus, Dist.
Sangli.
Date : 01.04.2026
Order signed by the : 01.04.2026
Presiding officer on
Order uploaded on : 01.04.2026