

ORDER BELOW EXH. 1 IN CRIMINAL M.A.No.43/2025

(PASSED ON 09-03-2026)

01. The applicant Mr.Jakir Ismail Mulla, Residing At- Indiranagar, Kadegaon, Tal.Kadegaon, Dist.Sangli filed present application under section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for interim custody of Tipper vehicle of Ashok Leyland Ltd. company bearing no.MH-10-CR-8108 having chassis no.CFE575788, Engine no.CFH364750 and model ALFV1613/1 (Hereinafter referred as "the seized vehicle"), in connection with Chinchani Wangi police station Crime Register No.88/2025 by police of Chinchani Wangi police station.

02. The applicant contended that, he is registered owner of the seized vehicle. It's Engine number is CFH364750 and it's Chassis number is CFE575788. The seized vehicle is seized by Chinchani Wangi police station in C.R.No.88/2025. Since its seizure, the seized vehicle is lying in the custody of Inspector of Chinchani Wangi police station and damage would be caused to it, if it is kept as it is. If the seized ssvehicle remained in the custody of Chinchani Wangi police station, the applicant will suffer irreparable loss due to its non use. He is ready to abide by all conditions that may be imposed by this Court while granting this application. Hence, he prayed for custody of said seized vehicle.

03. Investigation Officer i.e. Shri.M.D.Jadhav, PHC/1171 of Chinchani Wangi police station filed say at Exh.8 and Ld.A.P.P.Shri.A.D.Awale filed his say at Exh.9. Investigation Officer and Ld.A.P.P. resisted the present application stating that RTO number, Engine number and Chasis number are not shown on seized vehicle, and it is seized on the allegation of use in offence of illegal transportation of sand for second time and it is material evidence for prosecution during trial which can be disposed off or altered or modified by the applicant, if custody of seized vehicle is given to him. Hence, Investigation Officer and Ld.APP prayed to

reject the present application.

04. The applicant filed on record the verified copy of registration certificate of seized vehicle at Exh.15, copy of aadhar card of applicant at Exh.16, online copy of insurance policy of seized vehicle at Exh.17, certified copy of FIR of Chinchani Wangi Police Station CR no.88/2025 at Exh.18, copy of judgment of J.M.F.C.Kadegaon in R.C.C.No.56/2022 at Exh.19 and affidavit of the applicant at Exh.6.

05. Heard learned Advocate for the applicant and Learned A.P.P. Shri.A.D.Awale.

06. On perusal of record, it is seen that registration certificate (Exh.15) of the seized vehicle is in the name of the applicant. Thus, it is clear that the applicant is registered owner of the seized vehicle. The damage would be caused to the seized vehicle, if it is kept as it is in the police station. The applicant will suffer irreparable loss due to its non use. Hence, he is entitled for interim custody of the seized vehicle under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The seized vehicle is seized in connection with Chinchani Wangi police station C.R No.88/2025 which is registered for the offence punishable under section 303(2),3(5) of the Bharatiya Nyaya Sanhita,2023 and section 4,21 of Mines and Minerals (Development and Regulation) Act,1957 due to theft of minor mineral called sand. Investigation officer Shri.M.D.Jadhav did not report in his say (Exh.08) that any proceeding of confiscation is initiated by revenue department against seized vehicle but he stated that, seized vehicle was previously seized in Kadegaon Police Station C.R.No.58/2022 for offence under section 379 of Indian Penal Code,1860. However, the applicant produced on record copy of judgment in R.C.C.No.56/2022 registered regarding Kadegaon Police Station C.R.No.58/2022 wherein the applicant was acquitted. Therefore, in view of say of the investigation officer Shri.M.D.Jadhav and Ld.A.P.P. Shri.A.D.Awale, it is seen that the order under section 503 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with regard to interim custody of the seized vehicle needs to be passed. Necessary conditions can be imposed for securing the production of the seized vehicle for identification purpose, during trial. Therefore, in view of provisions of Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the present application deserves to be allowed with necessary conditions. Hence, I pass following order -

i) Application is allowed.

ii) The interim custody of the seized Tipper vehicle of Ashok Leyland Ltd. company bearing no.MH-10-CR-8108 having chassis no.CFE575788, Engine no.CFH364750 and model ALFV1613/1 seized in connection with Chinchani Wangi police station Crime Register No.88/2025 by police of Chinchani Wangi police station be given to the applicant on executing a supurtnama bond of Rs.30,00,000/- (Rupees Thirty Lakhs only) before the Assistant Superintendent of this Court, binding himself to following conditions and in default, to forfeit the amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) to the Government.

a. The applicant should not alienate the seized vehicle in any way till decision of the case about Crime Register No.88/2025 of Chinchani Wangi police station.

b. The applicant should not change the present nature and exterior of the seized vehicle.

c. The applicant shall produce the seized vehicle in the Court or before investigation authority as and when ordered by the Court or required by the investigation authority .

d. The seized vehicle shall not be used in any offence.

iii) The applicant shall furnish, at his own expenses, to the Officer-in-charge of Chinchani Wangi police station, four self-attested colour photographs of the seized vehicle (taken from each side of the seized vehicle), for its identification purpose. The Officer-in-charge of Chinchani Wangi police

station shall facilitate such photography.

iv) The Officer-in-charge of Chinchani Wangi police station shall, upon receiving such photographs, countersign the same, prepare a possession receipt-cum-panchanama, handover interim custody of the seized vehicle bearing No.MH-10-CR-8108, to the applicant and forward the photographs and possession receipt-cum-panchanama to this Court forthwith.

v) Supurtnama Bond, Possession Receipt-cum-panchanama and R & P of this proceeding be tagged with the police report which may be filed in the above crime.

vi) Copy of this order be sent to the Officer-in-charge of Chinchani Wangi police station for compliance.

vii) On executing bond by the applicant with above conditions issue letter to the Officer-in-charge of Chinchani Wangi police station to hand over interim custody of seized vehicle bearing No.MH-10-CR-8108, to the applicant.

Place :-Kadegaon.

Date:- 09/03/2026

(Smt.Madhavi R.Patkar)

JMFC,Kadegaon