

ORDER BELOW EXH. 02
State vs. Azruddin Mulani

1. Perused application supported by affidavit, say, documents and written argument submitted by Ld. Adv. Shri. T. U. Sardar, for applicant and Ld. A.P.P. Shri. Wangikar, for prosecution.

2. This application is filed by the applicant for releasing his Honda Company Splendor Plus Motorcycle bearing No.MH-13/DL-5962, of which Engine No. is HA10AGL5A43114 and Chasis No. is MBLHAW088L5A84992. According to him, it is seized in crime No.112/2021 by Pandharpur Gramin Police Station registered u/s.363, 376 of I.P.C. and U/s.3, 4, 42 of P.O.C.S.O.Act of which he is the owner. In said crime, investigation is completed. He is the owner of said motorcycle and it is lying in the Police Station for no reason since long. If it is kept idle, it will damage. On the contrary, applicant is ready to produce it at any time and also ready to abide all the conditions.

3. Prosecution by filing say and written notes of argument at Exh.6 objected the application. It is alleged that, said vehicle is seized by seizure panchanama. It is used in the crime. At the time of evidence it requires to be shown to the witnesses and complainant. There is possibility of changing the nature of the vehicle if released. Applicant may use it in other crime. So, application be rejected.

4. F.I.R. of C.R.No. 112/2021 shows that, it is registered at Pandharpur Gramin Police Station u/s.363, 376 of I.P.C. and

U/s.3, 4, 42 of P.O.C.S.O.Act, in which he is the accused. Prima facie the allegations in the F.I.R. does not show that the motorcycle is to be preserved by keeping it in Police Station for convenience of the trial. Under such circumstances, keeping it at Police Station idle will certainly damage it. On the contrary, directions can be issued to the applicant to produce it as and when required with certain conditions. Applicant produced copy of R.C.T.C. book. From which it reveals that, he is the owner of the said vehicle. Therefore following order is passed in the interest of justice.

ORDER

- 1 Application is allowed with no order as to cost.
- 2 The P.I. of concerned Police Station or the Investigating Officer as the case may be, in whose custody the aforesaid Honda Company Splendor Plus Motorcycle bearing No.MH-13/DL-5962, of which Engine No. is HA10AGL5A43114 and Chasis No. is MBLHAW088L5A84992, is lying, is directed to handover the same to the applicant Azaruddin Husen Mulani, after his identification, verification of the documents of vehicle and on his executing bond of Rs.90,000/- with condition that applicant will not change the nature of the vehicle till the conclusion of trial, he will produce the same before the Court as and when required and he will not alienate in any manner to other without the permission of the Court.
- 3 Accordingly, Yadi be issued to concerned Police Station.

Kamala V. Bora,

Date : 03-09-2021

Addl. Sessions Judge, Pandharpur

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : S.R.Kore, Stenographer (G-1)
- (b) Court : DJ-3 & ASJ, Pandharpur
- (c) Order signed by P.O. on : 03/09/2021
- (d) Order uploaded on : 03/09/2021