



**Cri.M.A.No. 72/2026**  
**Pavan Vs. State**  
CNRNOMHSO170008302026

**ORDER BELOW EXH.01**

Heard both sides. Perused the record carefully.

02. This is an application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for return of TATA MOTORS Ltd company TATA LPK 1618 CRE BS-IV vehicle bearing No. MH-42-AQ-5338, Chassis No. MAT449053K2N13014, Engine No. ISB5.9B4S180K191L63813812 seized by the Kurduwadi police station in crime No. 58/2026 punishable under Section 303(2), 132 and 126(2) of Bharatiya Nyaya Sanhita and 9 and 15 of Environment Protection Act Purpose of seizing is completed. Hence, the applicant is praying for interim custody of the vehicle in his favour.

03. Investigation Officer opposed the application on the ground that if vehicle released in favour of applicant possibility of alteration in vehicle may not be ruled out.

04. APP opposed on the ground that the vehicle is used for the commission of crime, it would therefore require for identification purpose during trial and its nature would get alter if released.

05. Say of Tahsildar is called. Despite of sufficient opportunities, Tahsildar did not file say.

06. In the case of ***Sunderbhai Ambalal Desai. V/s. State Of Gujrat (2002 (10) SCC 290)***. It is held that, “*The object and scheme of the various provisions contained in the Cr.P.C. appear to be*

*that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the court or of the police for any time longer than what is absolutely necessary.*”

07. Admittedly the TATA MOTORS Ltd company TATA LPK 1618 CRE BS-IV vehicle bearing No.MH-42-AQ-5338, Chassis No. MAT449053K2N13014, Engine No. ISB5.9B4S180K191L63813812 is seized by Kurduwadi police station and it is lying in a Police Station without any use. The applicant has produced verified copy of Adhar Card, notarized agreement dated 19/07/2025 and verified copy of Registration Certificate. It appears from the record that applicant has purchased above vehicle from one Amar Popat Anantkawalas by above mentioned notarized agreement. The Amar Anantkawalas filed affidavit at Exh. 6 and stated therein that he has no objection to handover possession of vehicle in favour of applicant. No purpose will be served keeping the said vehicle in the Police Station in idle condition. The object and scheme of the provisions of the code appear to be that where the property which has been subject matter of an offence is the seized by the police, it ought not to be retained in the custody of the Court or of the police for anytime longer than what is necessary. The property should be restored to the original owner or person entitled to the possession of it. The applicant has shown his ownership over the said seized vehicle. Considering say of I.O and APP it is necessary to impose some conditions. Therefore, applicant is entitled to return the said vehicle to him on conditions. Resultantly, I proceed to pass the following order.

**ORDER**

1.	Application is hereby allowed without affecting the powers of Tahsildar under Maharashtra Land Revenue Code.
2.	TATA MOTORS Ltd company TATA LPK 1618 CRE BS-IV vehicle bearing No.MH-42-AQ-5338, Chassis No. MAT449053K2N13014, Engine No. ISB5.9B4S180K191L63813812 seized by the Kurduwadi police station in crime No. 58/2026 be returned to the applicant temporarily on executing indemnity bond of Rs. 30,00,000/- (Thirty Lakh Rupees Only) on condition not to dispose of or to make any changes or alteration in said vehicle and to produce before this Court as and when necessary.
3.	Applicant shall not use the vehicle in commission of crime.
4.	The I.O. is directed to take the photographs and draw the panchnama of it before handing over to the applicant and intimate to the Court the date of delivery of vehicle.
5.	Copy of order be sent to the Tahsildar, Madha for information.

Date : 07/04/2026

**( P. G. Lambe )**  
Judicial Magistrate, First Class,  
Madha.