


MHSO200003782026 	<b><u>CRI. MISC. APPLN. NO. 63/2026</u></b> (Rohit Raut Vs. State)
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**ORDER PASSED BELOW EXH. NO. 01**  
**(E Filing No. AMH20240135892C202600012)**

This is an application filed U/Sec. 503 of the Bharatiya Nagarik Suraksha Sanhita for releasing his vehicle bearing registration No. MH-10-AQ-9060, Chassis No. MB1AA22E0DRY43874, Engine No. YDH020462P in the interim custody of applicant. Said vehicle is seized by Sangola Police Station in C.R. No. 96/2026. The applicant stated that, if the property remains idle in the custody of police station then there is possibility of causing damage to its parts and of causing economical loss. Property is necessary for his regular use. Therefore, prayed for its release.

2. Investigation Officer filed his say (Exh. 06) and submitted that, investigation of the crime is still in progress. If seized property is handed over to the applicant, then there is possibility of alteration or sale or destruction of the seized property. Hence, prayed for rejection of application.

3. Learned APP filed her say (Exh. 07) and submitted that, application is false. If custody of seized property is handed over to the applicant, then there is possibility of use of said seized property for committing similar kind of offences again. If seized property is released

then there is possibility of alteration or sale or destruction of the seized property. Hence prayed for rejection of the application.

4. On perusal of FIR, it appears that, it is registered for an offence punishable U/Sec. 303(2) of B.N.S. 2023 and Section 9, 15 of Environment Protection Act. There is nothing on record to show that after lodging the report, said seized vehicle has not been seized by the Executive Magistrate in exercise of powers U/Sec. 48(7)(8) of Maharashtra Land Revenue Code 1966.

5. As far as the jurisdiction of this Court for return of said seized vehicle is concerned, the Hon'ble High Court of Bombay (Aurangabad Bench) in Amol s/o Ramhari Waje. Vs. State of Maharashtra in paragraph No.10 observed that :

*10. True it is that the Executive Magistrate does have powers under Section 48 of the Maharashtra Land Revenue Code as well as Section 21 of the Mines and Minerals Act inter alia to proceed against the vehicle. However, simultaneously the vehicle is also a property involved in the present crime which is for the offence punishable under section 379 of the Indian Penal Code simpliciter. Consequently, by virtue of Section 457 of the Code of Criminal Procedure, it is only the Magistrate who could have passed the order regarding interim custody of the vehicle. By no stretch of imagination can such jurisdiction be said to be have been ousted, albeit simultaneously, the Executive Magistrate may have his own rights and powers to proceed under the provisions of those two enactments.*

6. In view of the ratio laid down by the Hon'ble Bombay High Court (Aurangabad Bench) in above reported case law, it is crystal clear that, the Court of Judicial Magistrate, First Class is having jurisdiction to release the vehicle which has been seized U/Sec. 303(2) of the B.N.S. Act, 2023. The Hon'ble Bombay High Court (Aurangabad Bench) in above mentioned case laws further held that, "as per section 457 of the Code of Criminal Procedure, 1973 only a Magistrate can pass order regarding release of vehicle. Rejection of application is improper". Vehicle directed to be released on suitable conditions. As such, I do not find any hurdle to release the said seized vehicle on suitable conditions. Here, I would also like to clear one thing that, a Crime No. 1043/2025 has been registered for theft of sand. Furthermore, it is also seen that, the said vehicle has not been seized by the Executive Magistrate in exercise of his own powers U/Sec. 48(7)(8) of the Maharashtra Land Revenue Code and Section 21 of the Mines and Minerals Act. On the contrary, it is seen that, the said vehicle has been seized by Police Officer of Sangola police station.

7. Heard. Perused the record. Applicant has produced copy of vehicle particulars of seized vehicle issued in the name of applicant, copy of F.I.R. and verified copy of his Aadhar card. On perusal of FIR it reveals that, the vehicle is seized from accused Swapnil Ankush Kedar who had filed affidavit giving no objection to grant interim custody of the seized vehicle to the applicant. Further, on perusal of documents, it appears that, applicant is the owner of the seized vehicle. He is ready to follow all the conditions which is imposed by this Court. Considering the fact that the property belongs to the applicant, it appears that no purpose would be served by keeping the property in unattended

condition at Sangola Police Station. Thus, there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujrat*, there is no use to keep seized property at Police Station for long period and appropriate order needs to be passed immediately regarding return of property. In the result I pass the following order :

**ORDER**

1. The application is allowed.
2. The interim custody of seized vehicle bearing registration No. MH-10-AQ-9060, Chassis No. MB1AA22E0DRY43874, Engine No. YDH020462P is granted in favour of the applicant namely Rohit Shivaji Raut upon his producing Indemnity bond of Rs. 5,00,000/- (Rs. Five Lakhs Only).
3. The applicant to undertake that, he shall not sale or transfer above mentioned vehicle without prior permission of the Court.
4. The applicant to preserve & maintain the vehicle in all respects and shall not hire the same for illegal purposes.
5. The applicant shall produce the vehicle in the Court as well as before Investigating Officer as and when required.
6. The investigating officer is hereby directed to prepare a detail panchanama of the seized vehicle and to take at least four photographs from each side of seized property and certified copies of photographs be kept along with the original case papers.
7. The investigating officer is directed to hand over the seized vehicle to the applicant after verifying the valid insurance of the seized vehicle.
8. The applicant is directed not to use the said vehicle for the purpose to commit any offence and also not to hand over the same to anyone who will use the same for the commission of any offence.
9. Record and proceeding of this application be kept along with the original case i.e. C. R. No. 96/2026 of Sangola Police Station.

10. The applicant is directed to place all the relevant documents of the said seized vehicle before the concerned investigating officer.
11. The present order shall be subject to the examination of said seized vehicle by the concerned R.T.O.
12. If any one claimed right of ownership regarding the said seized vehicle then the applicant will be responsible for the consequences arising out of it.
13. Inform concerned police station accordingly through official e-mail ID.
14. The proceeding is completely filed online, therefore, I.O. is further directed to mention about this proceeding in the Charge-sheet.

Date : 13/03/2026.

**(S. S. Salunkhe)**  
Judicial Magistrate F.C.  
Court No. 3, Sangola,

**CERTIFICATE**

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

Name of Stenographer	V. A. Dange
Name of Court	J.M.F.C., Court No. 3, Sangola
Date of Dictation	13/03/2026
Order signed by the PO on	13/03/2026
Order uploaded on	16/03/2026