

**ORDER BELOW EXH.8 SPL.CASE (M.P.I.D.) NO.53/2024  
(State of Maharashtra Vs. Nanasaheb Baban Bhosale)**

01. Heard Ld. Adv. Shri. S.S.Dhanawade, for third party applicant and Ld. A.P.P. Shri.N.D.Muke, for State. Perused the application supported by affidavit and the record.

02. Present application is filed by third party applicant Vishal Prakash Hingmire, as per S.457 of Cr.P.C., for return of property i.e. Candy white colour M.G.Motors Company ZS ASTOR VTI-TECH-CVT SHARP-R four wheeler having registration No. MH/11/DD/4428, Chassis Number is MZ7ED3HKL5HO22311 and Engine Number is CSGN1191226, seized in Spl.Case (M.P.I.D) No. 53/2024, on the basis of C.R.No.874/2023 registered at Satara City Police Station, for the offences punishable U/ss.406, 409, 420 r/w.34 of I.P.C. & Ss.3 & 4 of M.P.I.D.Act.

03. According to third party applicant, now charge-sheet is filed and the case is pending before this Court. During the investigation of said crime, police seized above four wheeler owned by him of M.G.Motors Company. For release of said vehicle earlier he had filed Cri.M.A.No.24/2024, but as investigation was in progress and there was doubt whether said vehicle was purchased out of misappropriated amount, Court rejected application on 29.02.24.

04. He alleged further that, the applicant invested Rs.2,00,000/-, and his wife Ashwini invested Rs.3,00,000/- with accused in the Vishwakarma Super Mart Services L.L.P. of accused. Out of which, he received the refund of three installments and his wife received

only two installments and yet some amount is to be receivable from accused. Accused was in financial need, so accused No.3 Sheetal Pandit decided to sold his above vehicle, which he has obtained on loan from Axis bank. It was decided to repay the loan by loan account No.AURO18808888422 and to deduct the amount out of the amount receivable to the applicant. So, the applicant repaid his loan of Rs.11,02,967/- from his H.D.F.C. bank account No.50100156290338 by the cheque dtd.25.06.2023. Thereafter said vehicle is transferred from accused in his name, as the full consideration is received. Since the transfer, applicant is in possession of said vehicle and using it.

05. He alleged further that, after the seizure of said vehicle from police in the above crime it is lying idle at the police station. Now charge-sheet is filed. It reveals from the charge-sheet that, it is not purchased out of the misappropriated amount. Actually, it is purchased by the applicant by repaying loan of accused No.3. All the relevant documents are enclosed with the application and filed in the charge-sheet. Under such circumstances, it will take long time to conclude the trial. Till then, if the vehicle is kept at the police station, it will be certainly damaged. Applicant purchased it for his day to day use. He is ready to abide all conditions. So, he prayed for possession of said vehicle.

06. Ld. P.P. Shri.M.N. Kulkarni for State filed pursis below Exh.18 along with the report of I.O. and submitted that same is the say to the application. In his report, Investigation Officer objected the application stating that accused Sachin Pralhad Pandit given

statement that applicant obtained said vehicle for temporary use from him and he has not sold the same. I.O. yet not verified the R.T.O. record and investigation is still in progress. Therefore, it will not be desirable to return the vehicle till filing of the charge-sheet as it is seized as evidence in the crime.

07. Now the applicant filed document of his ownership about the vehicle. He has also filed extract of loan account of accused Sheetal Sachin Pandit, copy of cheque issued by him and the entry of clearing said cheque. From which it clearly reveals that, after repaying remaining loan, applicant has purchased above vehicle from accused Sheetal Pandit. Prima-facie there is no evidence reveals in the charge-sheet that, it is purchased out of misappropriated amount. Same is also not mentioned in the seizure panchnama of above vehicle. Moreover, there is no evidence placed on record by the prosecution to show that till date, competent authority attached said vehicle, put it on auction.

08. Under such circumstances, certainty if the vehicle is kept at police station, it will be damaged. As against this, applicant is ready to abide all conditions. He is the owner of above vehicle. He is permanent resident of the given address. On the contrary, certainly conditions can be imposed upon the applicant. So, following is passed -

#### **ORDER**

- 1) The application is allowed with no order as to costs.
- 2) In result, interim custody of seized Candy white colour M.G. Motors Company ZS ASTOR VTI- TECH-CVT SHARP-R four wheeler having registration No. MH/11/DD/4428 of which Chassis

Number is MZ7ED3HKL5HO22311 and Engine Number is CSGN1191226, seized in Spl.Case (M.P.I.D) NO.53/2024, on the basis of C.R.No. 874/2023 registered at Satara City Police Station, for the offences punishable U/ss.406, 409, 420 r/w.34 of I.P.C. & Ss.3 & 4 of M.P.I.D.Act, be returned to third party applicant **Vishal Prakash Hingmire**, after taking its photographs from all sides and keeping them into the record of investigation and upon executing the Indemnity Bond of Rs.15,00,000/- by him with condition that, he will not alter or change the nature of said vehicle in any manner and will produce them before the Investigation Officer or the Court, as the case may be as and when required.

- 3) Issue Yadi according to the Concerned police station.
- 4) Accordingly, application is disposed off.

(Pronounced in open Court).

**Date : 08.07.2024.**  
**Place : Satara.**

**Kamala V. Bora**  
**Special Judge (Under POCSO Act)**  
**Satara.**