

CR No MHST12004682026



ORDER BELOW EXH. 01 IN CRI. M. A. No. 36/2026

(Passed on 12/06/2026)

The present application is filed under Section 503 of the Bhartiya Nagarik Suraksha Sahita for custody of Red and Grey colour Tractor of Tafee company Mashi Farguson 1035 DI Model bearing R.T.O. registration No. MH-11-BZ-1873 having chassis no. MEA63C91GG2102745, Engine No. 8337A73345 and Vijay Company's red colour Trailor bearing R.T.O. registration No. MH-11- R-9907 having Chassis No. 158-2011 seized by police in crime No. 119/2026 registered with Mhaswad Police Station, Tal. Man, Dist.Satara.

(2) It is contended that applicant is the owner of the said vehicle and police has seized the aforesaid vehicle during the course of investigation. The investigation of crime is completed and there is no need of vehicle for the purpose of further investigation. It is further contended by the applicant that he is ready to comply the conditions imposed, if any and also undertake not to sell the said vehicle without prior permission of the Court.

(3) Applicant has relied upon the Xerox copies of R.C. Book of tractor and trailer it shows that trailer is still in the name of Abasaheb Jagannath Mane. The applicant has filed verified copy of receipt of purchase of trailer from Abasaheb Jagannath Mane. Verified copy F.I.R, Verified copy Aadhar card copy. I.O. has filed his say at Exh. 8. Learned A.P.P. filed his reply at Exh.1. Both I.O. and A.P.P. requesting to reject the present application on the ground that the tractor and trailer are seized in connection with crime No. 119/2026 registered with Mhaswad Police Station for the offence punishable under Section 379 of Indian Penal Code

and its connection with mines and Minerals Act. The offence registered for allegedly stealing and transporting sand from river bed. The Ld. APP argued that hence the say of revenue authority is necessary to decide this application. Therefore, they prayed that the application may kindly be rejected.

(4) Heard learned Advocate Mr.N.H.Kazi for applicant and learned A.P.P. Shri. Y.J.Channe for opponent/State.

(5) Perused the verified documents filed along with list Exh.3. It shows that the applicant is the registered owner of the seized vehicle. As there is no dispute about the ownership of seized muddemal, it is desirable to return it to registered owner. There is no claimant except the applicant.

(6) To decide this application without the say of revenue authorities I have relied on *Criminal Writ Petition No. 35/2021 in Pravin S/o. Eknath Solankhi Vs. The State of Maharashtra*. In the said judgment Hon'ble High Court of Bombay Aurangabad bench observed that, the Magistrate shall not treat the powers conferred upon the revenue authorities under the MLRC putting any fetters on his powers exercisable under section 457 of the Code of Criminal Procedure. The revenue authorities may invoke the provision and the powers under the MLRC and pass appropriate orders and take suitable steps for its enforcement. The Magistrate while passing the order Under Section 457 shall not carry any impression of their being any impediment in exercising his powers.

(7) Considering the facts and nature of the offence, I am of the view that the said vehicle is no more required for the investigation purpose. If the vehicle allowed to be retained at the police station without any care and subjected to rain and sun, it's condition will deteriorate. Hence, considering the above discussed aspects, in my considered opinion, the applicant is entitled for interim custody of vehicle. Hence, I proceed to pass following order.

ORDER

- (1) Application is allowed.
- (2) The seized Red and Grey colour Tractor of Tafee company Mashfi Farguson 1035 DI Model bearing R.T.O. registration No. MH-11-BZ-1873 having chassis no. MEA63C91GG2102745, Engine No. 8337A73345 and Vijay Company's red colour Tractor bearing R.T.O. registration No. MH-11- R-9907 having Chassis No. 158-2011 seized by police in crime No. 119/2026 registered with Mhaswad Police Station, Tal. Man, Dist.Satara be released in favour of applicant **Digambar Sopan Babar** on his executing bond of Supurtnama (Indemnity Bond) of Rs. 10,00,000/- (**Rs. Ten Lakh only**) before Investigating officer with following conditions :-
 - (a) He shall not dispose of the vehicle by transfer, mortgage, sale or by any other means.
 - (b) He shall produce the vehicle as and when required by the Court during the trial.
 - (c) He shall not change the color, nature of the properties.
- (3) Asst. Police Inspector, Mhaswad Police Station is directed to prepare the condition panchnama of vehicle and take its photographs prior to release the same and counter signed by the applicant at applicant's cost and submit it on record.
- (4) Copy of this order be attached with remand paper/charge-sheet.

Mhaswad
Date: 12/06/2026

(S.S.Salunkhe)
Judicial Magistrate F.C.,Mhaswad
Tal.Man, Dist.Satara.

