

MHST190002852026	Presented on: 21.05.2026
	Registered on: 21.05.2026
	Decided on : 08.07.2026
	Duration: Ys. Ms. Ds.
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IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT WAI
(Presided over by B. D. Kadam)

Criminal Revision A. No. 9/2026

Exh.No.

Jyoti Krushnakant Thakur
Age: Adult, Occu. Business
R/o. 979, Kumbhar Math,
Jari Mari Temple,
Tal. Malwant, Dist.Sindhudurg.



APPLICANT

.. Versus..

The State of Maharashtra
Through Mahabaleshwar Forest
Office, Tq.Mahabaleshwar,
District: Satara.



OPPONENT

Appearances:

Shri S.R.Mundhekar, Advocate for Revision-Applicant,
Shri D.S.Patil, Addl. Public Prosecutor for Respondent/State.

Application U/s.438 of the BNSS, 2023

J U D G M E N T

(Delivered on : 08.07.2026)

Being aggrieved by the order passed by the Ld. Judicial Magistrate First Class, Mahabaleshwar in Criminal Misc. Application No.9/2026 dated 08.05.2026, revisional-applicant has preferred this revision.

2] It is submitted that, Forest Crime No.1/2026 has been registered by Forest Office, Mahabaleshwar against the present applicant for the offences punishable under Sections 2, 9, 39, 44, 48A and 51 under the Wildlife Protection Act. During investigation, the Investigating Officer seized vehicle Maruti Ertiga Green VXI bearing registration No. MH-43-BK-9863 of applicant and it is lying as it is with the Forest Office, Mahabaleshwar. Applicant had filed Criminal Misc. Appln. No. 9/2026 and sought the temporary custody of the vehicle, but Ld. Magistrate by impugned order dated 08.05.2026, rejected the application. In fact, applicant has not committed any offence. He is required his vehicle for daily use. If it is not released, then its parts etc. will be damaged. He is ready to produce vehicle as and when ordered, still his prayer was rejected and therefore, he prayed to allow the revision and set aside the order of Ld.Magistrate. Hence, this revision application.

3] Ld. APP submitted that the offence is serious in nature and applicant used the vehicle in the commission of offence. The

prohibited wild life substance was found in his possession, of which investigation is going on. If vehicle is released, again it will be used for the commission of identical offences and therefore, Ld.APP prayed to reject the application.

4] Considering the rival submissions, following points arise for my determination and my findings recorded thereon are as under :

Sr. No.	POINTS	FINDINGS
1.	Whether there is need of interference in : the order passed by Ld. J.M.F.C. dated 08.05.2026 ?	Yes.
2.	What order ?	: Revision is allowed.

REASONS

AS TO POINT NOS.1 AND 2 :

5] By this revision, applicant has challenged the order of rejection of his prayer of temporary custody in respect of vehicle. On perusal of order dated 08.05.2026, Ld. Magistrate has observed that, merely the accused is released on bail, no automatic right accrues in favour of applicant for return of property. No doubt, merely on the ground that accused is released on bail he has no right to claim the property. But considering the nature of the property, if lying as it is, definitely its spare parts, tyre etc. will be

damaged in the rain.

6] Ld. Magistrate has further observed in the order that the Aadhar Card and other documents are not produced. But in the revision, applicant along-with list Exh.6 has produced the verified copy of his Aadhar Card. Moreover, along-with list Exh.10, he has produced the R.C. of vehicle, which discloses that he is owner of the vehicle. Ld. Magistrate has further observed in the order that the investigation is going on. But on perusal of date of the impugned order, it is passed on 08.05.2026. Now, near about two months have been lapsed and investigation would have been almost completed. Ld. Magistrate has further held that, possibility of tampering with material evidence cannot be ruled out. But that can be restricted by imposing strict conditions. Moreover, applicant by filing pursis Exh.7 submitted that, he has not received any notice of confiscation of seized property. Thereafter, ample opportunity was given to A.P.P. to file documents regarding confiscation. It clearly shows that till date, no confiscation process is initiated. Considering all above discussed facts, no need to keep pending the seized vehicle with the Forest Department. If vehicle is not released, as discussed above, it will be totally damaged and it will not be in use for investigating purpose also. Therefore, the impugned order needs interference and vehicle is to be released temporarily. Hence, Point No.1 is answered in affirmative and in answer to Point No.2, following order is passed.

ORDER

1. Revision application is allowed and order dated 08.05.2026 passed by Ld. Magistrate, Mahabaleshwar in Criminal Misc. Application No.9/2026 is set aside and it is ordered that the **temporary custody** of vehicle Maruti Ertiga Green VXI bearing registration No. MH-43-BK-9863 be given to applicant **Jyoti Krushnkant Thakur** by executing Indemnity Bond of Rs.3,00,000/-.
2. Applicant is directed not to sell or transfer the vehicle to anybody or make changes therein, till final decision of the case.
3. Applicant is further directed to produce the vehicle as and when ordered.
4. Compliance before Magistrate Court.

Wai.
Date: 08.07.2026

(B. D. Kadam)
Additional Sessions Judge,
Wai.