

**Special Case No.93 of 2024**  
**(CNR No. MHST21-000189-2024)**

**ORDER BELOW EXH.13**

**(State of Maharashtra Vs. Gourav @ Sachin Khalate )**

The third party applicant Nitin Kisan Khalate applied for return of the muddemal property i.e. Maruti Suzuki Maruti Suzuki OMNI E vehicle No.MH-12/JZ-4145 under Sec. 457 of Cr.P.C.

02. It is submitted that the applicant is the registered owner of the seized vehicle. He is alleged that the accused used the vehicle for commission of the offence. The applicant needs the above said vehicle for daily use for domestic purposes. The vehicle is lying in the premises of the Police Station. It will be damaged if not operated for a long time. The applicant is ready to abide by all the terms and conditions by executing necessary bonds. Hence, this application.

03. The Ld. Special PP strongly resisted the application with the submissions that the applicant is the father of the culprit. The vehicle is used for the purpose of committing the offence of sexual assault. Even if he is the owner, there is a possibility of use of the vehicle in another crime. Hence, he prayed to reject this application.

04. I have heard Ld. Advocate for the applicant and Ld. Special PP. Perused the record.

05. Applicant has produced a copy of certificate of registration of the seized vehicle along with List of documents Exh. 17. It appears that he is the registered owner of the said vehicle.

06. The applicant is father of the accused Sachin. It is not disputed that the above said vehicle was seized on 22.11.2023 during investigation. The vehicle is seized from the accused as there is allegation that he has committed rape on the victim in the said vehicle. However, there is nothing specific in the seizure form which would require the seized vehicle to be kept in the custody of police till conclusion of the trial. As against this, if it is kept lying idle, there is every possibility of rusting of its parts, engine, tyres which would result in its damage.

07. The applicant is ready to abide by all the conditions including not to change the nature of the vehicle and not to alienate the same. In regard to the objection for use of the vehicle in another crime, necessary conditions to that effect also imposed by allowing the applicant to use the vehicle till further order. Hence, I pass the following order.

### **ORDER**

01. The application is allowed.

02. The seized muddemal property i.e. Maruti Suzuki OMNI E vehicle No.MH-12/JZ-4145 having Chasis No.MH3EVB11SO 1457977, Engine No.F8BINA4629636 be returned to the applicant **Nitin Kisan Khalate** with a condition that he shall not dispose off the said property or change its nature in any manner till conclusion of trial and shall produce the same before the Court as and when required on furnishing indemnity bond of Rs.1,00,000/-(Rupees One Lac only).

03. Before delivering custody of above mentioned muddemal, the Police Officer of the concerned Police Station shall prepare detail panchanama of the vehicle under his signature with counter-signature of the applicant.

**PHALTAN.**  
**11<sup>th</sup> March, 2024.**

**( P. V. Chatur )**  
**Addl. Sessions Judge, Phaltan**

|                |            |
|----------------|------------|
| Dictated On    | 11.03.2024 |
| Transcribed On | 11.03.2024 |
| Checked On     | 11.03.2024 |
| Signed On      | 11.03.2024 |