

MHTH170060372025



Order Below Exh.1 in O.M.A.No.368/2025
(Avdeshkumar Mataprasad Mourya Vs. State Of Maharashtra)

(1) The present application is preferred by the Applicant Shri. Avdeshkumar Mataprasad Mourya under Section 503 of BNSS for release of property being vehicle TVS Jupiter 125 bearing registration number MH-48-DL-6116, engine No. BK4PR1704157, chassis No. MD626AK41R1P10795 (hereinafter "*said muddemal*") seized in C.R.No.516/2025 (hereinafter "*said C.R.*") registered with the police station Boisar for the offence punishable under Section 303(2) of the BNS. He is neither the informant nor the accused. Say of Investigating Officer (I.O.) and the Ld. A.P.P. was called for. Seizure panchanama was called. Say of accused was called.

(2) Perused Application and the documents tendered, verified copy of RC Book, verified copy of FIR, copy of insurance and verified copy of Aadhar Card. Perused say of I.O. Perused say of Ld. A.P.P. Shri. R.B.Sankhe. Perused say of accused. Heard Ld. Advocate for the Applicant and Ld. A.P.P. for the State.

(3) *Vide* the present application, it is submitted that, the Applicant is the owner and possessor of the said vehicle. That, he is dependent on the said vehicle for his daily work. That, if the said vehicle is left unused, it will be subject to decay and wastage. That, he will abide by the conditions. Hence, it is prayed that, the present application may kindly be allowed. Accused has filed his say in support of the present application.

(4) Ld. A.P.P. has submitted that, the vehicle is seized in crime and also used in the crime. So if same be returned to the

applicant he may sell it or may make changes in it so, this application may kindly be rejected.

(5) Through his say, I.O. has submitted that, in the event the said muddemal is returned, the Applicant may kindly be directed to produce the same when called and necessary conditions may be imposed. The vehicle is stated to be recovered from accused Abdul Saddam Abdul Subhan Mansuri.

(6) Through his say (Exh.6), accused Abdul Saddam Abdul Subhan Mansuri has filed no objection to return the said muddemal to the applicant.

(7) Perused record before me, and considered arguments.

(8) Based on the documents given on record, i.e. RC Book of the said vehicle, it appears that being the owner, the Applicant is *prima facie* entitled to the temporary possession as the owner of the said muddemal, subject to the final orders and judgment of the Court before which trial will be conducted. I do find merit in the arguments of the Ld. Advocate for the Applicant that, leaving the said vehicle unused is likely to subject it to decay, corrosion, etc. The value of the said vehicle is Rs.80,000/-mentioned in the application. Accused is the relative of the applicant. Considering the said gravity and apprehensions raised by Ld. A.PP and I.O., the necessary amount of bond will be taken from the Applicant. In these circumstances:-

ORDER

- 1] The Application is allowed subject to conditions.
- 2] The said property (*muddemal*) namely TVS Jupiter 125 bearing registration number MH-48-DL-6116, engine No.

BK4PR1704157, chassis No. MD626AK41R1P10795 (hereinafter "*said muddemal*") seized in C.R.No.516/2025 (hereinafter "*said C.R.*") registered with the Police Station, Boisar be temporarily handed over to the Applicant Shri. Avdheshkumar Mataprasad Mourya till the conclusion of the trial, upon the Applicant executing indemnity bond of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only).

3] The Applicant to undertake that till the final conclusion of the trial/offence alleged-

- i) He shall produce valid insurance papers.
- ii) He shall not sell nor transfer the said muddemal, nor create any third party interest In the said muddemal, without the prior permission of the Court.
- iii) The Applicant shall not use or give the said muddemal for any illegal purpose, including giving it to the accused.
- iv) The Applicant shall not alter, make any changes to the said muddemal.
- v) He shall maintain and preserve the said muddemal in all respects.
- vi) He shall produce the said muddemal in the Court as and when directed.
- vii) He shall not drive the vehicle without valid license.

4] Applicant shall submit photographs of the vehicle. Investigation Officer/concerned P.S.O. is directed to hand over the said vehicle only upon production of valid insurance papers. I.O./ concerned P.S.O. is directed to prepare detailed

panchnama and to take necessary photographs of the said muddemal, with signature of the Investigation Officer, Applicant on the photographs, with date and time of the photographs, and submit in the Court. I.O. shall mention regarding the same in the charge-sheet.

5] *Humdast* to police station allowed.

Date: 18/03/2026
Place: Palghar

(Smt.P.S.G. Chalkar)
Judicial Magistrate First Class,
Palghar (2nd Court)

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	---	Suraj S. Saddiwal (Stenographer Grade-3)
Court	---	2 nd Jt.CJJD & JMFC Palghar
Date	---	18.03.2026
Order digitally signed on	---	18.03.2026
Order uploaded on	---	20.03.2026