

ORDER BELOW EXH.3

This is an application to release vehicle i.e. Scorpio Vehicle bearing registration No. MH-24/P-0004 seized by Police Station Wardha City in crime No.1816/2019 for the offence punishable u/s.4, 25 of the Indian Arms Act. The applicant Amjad Anwar Kha Pathan has claim the interim custody of property as an owner of vehicle. A.P.P. has filed their say at Exh.3. APP has given strongly opposed to release the said seized vehicle.

2] Heard. Learned Advocate for applicant and A.P.P. for the State. I also gone through documents produced by applicant. The applicant produced copy of agreement of sale at Exh.7, Adhar card at Exh.8 and R.C. at Exh.9. R.C. shown that vehicle initially owned by Wamanrao Maliye and it was purchased by applicant on 19-08-2019. Copy of F.I.R. shows that vehicle was seized from the custody of accused Shaikh Asif Shaikh Sahabuddin. Accused has filed his say below Exh.3 and gave no objection to give custody of vehicle to applicant. Therefore, record shows that applicant is owner of Scorpio Vehicle bearing registration No. MH-24/P-0004. Therefore, he is entitled to interim custody of Scorpio Vehicle bearing registration No. MH-24/P-0004. If vehicle remains in the custody of police, there is possibility of degradation, loss and damages to vehicle. Considering the certificate of registration, I found no hurdle to give interim custody of Scorpio Vehicle bearing registration No. MH-24/P-0004 on supurtnama to applicant with certain condition. Hence following order.

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Regular Criminal Case No.334/2020

[CNR : MHWR03002033-2020]

State Vs. Shaikh Asif

O R D E R

- 1) Application is allowed.
- 2) I.O of Crime No.1816/2019 is directed to release Scorpio Vehicle bearing registration No. MH-24/P-0004 in favour of applicant namely Amjad Anwar Kha Pathan on execution of Indemnity/Supurtnama bond of Rs.4,00,000/- (Rs.Four Lakh only).
- 3) The applicant shall not sale transfer or dispose off or create any charge over the said vehicle till the final decision of the R.C.C. No.334/2020.
- 4) The applicant shall not cause any change in or material alteration in the said vehicle till the disposal of the case.
- 5) The applicant shall produce the said vehicle in the Court as and when directed by the Court.
- 6) The concern police officer of Wardha City police station shall prepare the detail Panchanama as to the condition of vehicle before it is released to the applicant and he shall obtain colour photographs from different angles of the vehicle at the costs of applicant and produce the same in R.C.C. No.334/2020.

[A. S. Satote]

Judicial Magistrate, First Class,

[Court No.3] Wardha.

Date :07th September, 2020.