

MHWR06-000620-2026

ORDER BELOW EXH.3Passed on 6th day of April, 2026

1. This is an application filed by Shakuntala Bimbisar Bendale through her power of attorney Rahul Bimbisar Bendale, R/o Pohana, Hinganghat, Tq. Hinganghat, Dist.Wardha for interim custody of vehicle i.e. **Sonalika Company Tractor bearing registration no. MH-32-P- 141 and Chasis No. MZCSB137485/3 and Engine No. 3100EL82B138069 and Kastakar Agro Industries Company Trolley bearing registration no. MH-32-AX-3421, Chasis No. MH29/575/KAI/YTL/24 & (hereinafter referred as '*vehicle*') seized by Wadner police station in connection with Crime No. 13/2026 under section 303(2) of BNS and 130 and 177 of Motor Vehicles Act.**
2. It is the contention of the applicant through her power of attorney that she is owner of the said tractor and trolley. During the course of investigation of Crime No. 13/2026 under section 303(2) of BNS and 130 and 177 of Motor Vehicles Act. Police Station, Wadner have seized said vehicle. Being owner applicant has claimed interim custody of said vehicle. She also undertakes to abide conditions imposed upon him by the court.
3. The say of Tahsildar has been called. He filed his say vide and submitted that, the vehicle should not be released on supratnama.
4. The ample opportunity is given to the prosecution but fails to submit their say. Hence, no say order is passed.
5. Applicant through her power of attorney has contended that she is the owner of the said vehicle. The document on record reflect the same. His contention is not challenged either by Ld. A.P.P. Moreover, applicant has produced verified copy of certificate of registration of Tractor and trolley, verified copy of adhar card of applicant and her power of attorney Rahul Bimbisar Bendale and verified copy of power of attorney which are showing that applicant is

owner of the said trolley and tractor.

6. Say filed by Tahsildar is not suggesting that detention of said vehicle is necessary for the purpose of further investigation. The Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai v/s State of Gujrat (2002)10 SCC 283*** held that, it is of no use to keep seized vehicle at the police station for a long period.

7. Under such circumstances, keeping the custody of said vehicle either with police or with this Court will not suffice any purpose. On the contrary, if said vehicle kept lying in the premises of police station then it will become junk day by day. Under given circumstances it will justifiable to handover interim custody of said vehicle to the applicant. In the result, following order.

:: ORDER ::

- 1) This application is allowed.
- 2) The Police Station Officer, Hinganghat, is directed to handover the custody of vehicle **Sonalika Company Tractor bearing registration no. MH-32-P- 141 and Chasis No. MZCSB137485/3 and Engine No. 3100EL82B138069 and Kastakar Agro Industries Company Trolley bearing registration no. MH-32-AX-3421, Chasis No. MH29/575/KAI/YTL/24** seized in Crime No. 13/2026 is return to the applicant **Shakuntala Bimbisar Bendale, through her power of attorney Rahul Bimbisar Bendale R/o Pohana, Hinganghat, Tq. Hinganghat, Dist.Wardha** on his executing supratnama bond of Rs. 15,00,000/ (Rs. Fifteen Lakh only) in the Court on the following conditions.
- 3) Applicant shall bind himself that -
 - a) She shall not sell or create third party interest in the said vehicle till final disposal of the case.
 - b) She shall not change mechanism of said vehicle till final disposal of the case.
 - c) She shall produce said vehicle before I.O. and before this court as and when required.
- 4) The Investigating officer is hereby directed to -

- a) The concerned officer is directed to take photographs of seized vehicle and to prepare detailed panchnama while handing over the seized vehicle to the applicant and obtain her signature on the panchnama as well as on photographs.
- b) The concerned officer is also directed to obtain valid insurance of the seized vehicle from the applicant while handing over the seized vehicle to the applicant.
- c) Police Station Wadner is directed to obtain the photograph of vehicle at the costs of applicant and file the photographs as well as panchnama alongwith charge-sheet.
- 5) The Ld. Tahsildar or S.D.O. may invoke the provision and the powers under the M.L.R.C. and pass appropriate orders and takes suitable steps for its enforcement, as permissible under law and this order shall not be construed as an impediment in the same.

Date :- 06.04.2026.

(Smt. N. J. Pethe)
Judicial Magistrate First Class,
(Court No. 1, Hinganghat)

CERTIFICATE

I affirm that the contents of the this PDF file order are same word to word, as per the original order.

Name of the stenographer :- Ku.M.G.Mehare

Grade III