

MHWR060016082026 	<u>ORDER BELOW EXH. 1</u> (Passed on 27 th August, 2026)
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This is an application filed by applicant **Manohar Abhiman Warghane** through special power of attorney holder **Vijay Bhimraoji Sayankar** to release the vehicle i.e. **Mahindra and Mahindra** companie's tractor Bearing registration No. MH-32-AH-7880 having Chasis No. MBNAV53ACJCL10488 AND Engine No. 43.3009/SZL33734 and Raj Companie's Trolley bearing registration No. MH-32-TC-0026 having Chasis No. AL260220391 on supratnama.

2] It is the case of applicant that, he is the permanent resident of Wela, Tah. Hinganghat Dist. Wardha above said Tractor and trolley in crime No. 0909/2026, for the offence punishable u/s 303(2) and 3(5) of B. N. S. r/w 130, 177, 181, 3(1) of Motor Vehicles Act. Applicant is the owner of **Mahindra and Mahindra** companie's tractor Bearing registration No. MH-32-AH-7880 having Chasis No. MBNAV53ACJCL10488 AND Engine No. 43.3009/SZL33734 and Raj Companie's Trolley bearing registration No. MH-32-TC-0026 having Chasis No. AL260220391 Therefore, the applicant prayed for releasing the above said tractor and trolley on supratnama.

3] Say of investigation officer and prosecution have been called. Investigation officer filed his say at Exh. 4 and opposed the release of said tractor. The Ld. APP also strongly opposed the release

of said tractor and trolley. The ld. APP submits that, prima facie case is against the accused. The seized tractor and trolley is material evidence, therefore it required during the trial. In case of release, the possibility of dispose off or tampering in any manner of said tractor can not be ruled out. Therefore, they pray that this application be rejected.

4] The say of Tahsildar has been called. He has filed his say (Exh.5) and submitted that, the tractor and trolley should not be released until applicant pays the amount of fine and penalty under section 48 of the Maharashtra Land Revenue Code and the rules framed thereunder.

5] Heard the learned advocate for the applicant and learned A.P.P. The applicant filed verified copies on record of invoice bill of tractor & adhar card. The applicant contends that he is a farmer and he has been utilizing the said tractor for agricultural purpose. His source of income is totally depend on that tractor. Therefore tractor be released on supratnama. From the documents on record it appears that applicant is owner of the **Mahindra and Mahindra companie's tractor Bearing registration No. MH-32-AH-7880 having Chasis No. MBNAV53ACJCL10488 AND Engine No. 43.3009/SZL33734 and Raj Companie's Trolley bearing registration No. MH-32-TC-0026 having Chasis No. AL260220391.**

6] The seized tractor and trolley have been in the custody of Police Station Hinganghat. There is a possibility of damage or loss

to the seized tractor and trolley, if they are kept standing in the open premises without any use. From the documents, it transpires that applicant is a lawful owner of the seized tractor and trolley. Applicant is ready to abide the conditions imposed by the Court. No other person appeared before the Court to claim the seized tractor. 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 tractor at the police station for a long period. Therefore, it will be lawful to deliver the possession of said seized tractor to the applicant by imposing certain conditions. Needless to state that revenue authorities i.e. learned Tahsilder or SDO may evoke the provisions and the powers under the Maharashtra Land Revenue Code and pass appropriate orders and take suitable steps for its enforcement. The proceeding under the Maharashtra Land Revenue Code is not an impediment in exercising powers under section 497 of Bharatiya Nagrik Surakhsha Sanhita. Therefore, I pass the following order.

ORDER

1. The application is allowed.
2. **Mahindra and Mahindra companie's tractor Bearing registration No. MH-32-AH-7880 having Chasis No. MBNAV53ACJCL10488 AND Engine No. 43.3009/SZL33734 and Raj Companie's Trolley bearing registration No. MH-32-TC-0026 having Chasis No. AL260220391** be delivered to the applicant **Manohar Abhiman Warghane** through special power of attorney holder **Vijay Bhimraoji Sayankar** on executing supratnama bond of Rs. 11,00,000/- (Rs. Eleven Lakh only) in the police station on the following conditions-

- a) The applicant shall produce seized vehicle Tractor having **Mahindra and Mahindra** companie's tractor Bearing registration No. MH-32-AH-7880 having Chasis No. MBNAV53ACJCL10488 AND Engine No. 43.3009/SZL33734 and Raj Companie's Trolley bearing registration No. MH-32-TC-0026 having Chasis No. AL260220391 as and when directed by the Court.
 - b) The applicant to undertake that he will not sale, transfer or change the nature of seized tractor during the custody. He is further directed to maintain and preserve seized tractor in all respect.
 - c) The applicant shall not use seized tractor for any illegal purpose.
 - d) The concerned officer is directed to take photographs of seized tractor and to prepare detailed panchnama while handing over the seized tractor to the applicant and obtain his signature on the panchnama as well as on photographs.
 - e) The concerned officer is also directed to obtain valid insurance of the seized tractor from the applicant while handing over the seized tractor to the applicant.
 - f) Police Station Hinganghat is directed to obtain the photograph of tractor and trolley at the costs of applicant and file the photographs as well as panchnama alongwith charge-sheet.
3. 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.

(C.A.Gawai)

Judicial Magistrate F.C.
(Court No. 3) Hinganghat.

Date: 27.08.2026

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 typist - A. K. Saroday (Stenographer grade III)