

CNR No. MHWR090001522026
O.M.C. No. 13/2026
Kishor Rewatkar -Vs- State
Order below Exh No.1



Presented on :- 04/03/2026
Registered on :- 04/03/2026
Decided on :- 15/04/2026
Duration :- YY. MM. DD.
00 01 12

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, KARANJA
GHADAGE**

(Presided Over by Smt Diksha D. Vighne)

O.M.C No. 13/2026

Mr. Kishor Gopalrao Rewatkar,
Age :- 48 years, Occ. Cultivator,
R/o. Thanegaon,
Tq.-Karanja Gha., Dist.- Wardha.

... **APPLICANT**

-VERSUS-

State of Maharashtra,
Through Police Station Officer,
Police Station, Karanja Gha.
Tq.-Karanja Gha., Dist.-Wardha.

... **NON-APPLICANT**

Appearance :-

For the applicant : Learned advocate Shri. D. M. Dhandhe
For State : Learned Spl. APP Shri. M. S. Chandore

ORDER BELOW EXH NO. 01

(Passed on 15/04/2026)

This is an application filed by the applicant under Section 503 of Bhartiya Nagarik Suraksha Sanhita, 2023 for releasing Mahindra Swaraj 744-KM Tractor and with Sand Trolly bearing registration No. M.H.-32-P-4232 on supratnama.

2] The applicant contended that he is registered owner of seized vehicle and sand. Police Station Karanja Gha. has seized the aforesaid vehicle in crime No.68/2026 for the offence p/u/s 303(2) BNS and r/w 3(1), 181, 130, 177 of MV Act. Applicant further contended that if seized vehicle lies in the premises of Police Station Karanja Gha. for a longer time, then possibility of damaging its part cannot be ruled out. Applicant undertakes to abide each and every conditions likely to be imposed by this Court against him. Hence, this application.

3] The applicant in support of this application has filed some documents such as copy of R.C. Book, copy of vehicle perticuler, copy of Aadhar card, copy of Insurance, copy of F.I.R and copy of transit pass.

4] After receipt of this application, this court had called say of Ld. APP and Police Station Karanja Gha. Police Station Karanja Gha. has filed say and stated that accused in crime no.68/2026 was found while transporting stolen sand and accordingly 1 brass sand and tractor MH-32-P-4232 and trolley MH-32-AX-3189 was seized. If this tractor and trolley has released on supurtnama then, Accused will commit similar kind of offence. Hence, he has prayed for rejection of this application.

5] Learned A.P.P. has vehemently stated that the seized articles had been used by the accused for facilitating the commission of an offence and for the commission of an offence. If seized article will be released then possibility of its again use for the commission of an offence can not be ruled out. Accused may not produced seized article as and when required. Hence, prayed for rejection of this application.

6] Perused the documents. It reveals that, the applicant is the owner of Mahindra Swaraj 744-KM Tractor bearing registration No. M.H.-32-P-4232, and Trolley bearing registration no. MH-32-AX-3189. However, applicant has stated that he is also the owner of 1 brass sand which was seized in this offence alongwith Tractor and Trolley. He has filed one transit permit for sand mine. According to this documents applicant P. M. Motwani had received permit from dt. 23.12.2025 time 00.55 hrs to dt.

23.12.2025 time 07.25 hrs for transportation of sand in vehicle no.MH-40-BC-1215. On perusal of this documents it is clearly seen that this documents is not about the permit which has stated by applicant. Because this documents does not contain name of applicant, number of vehicle and also the date on which police had seized this vehicle. Therefore, this documents does not show that this seized 1 brass sand belongs to or own by applicant. No doubt documents filed by applicant shows that he is a owner of seized tractor and trolley. Therefore, he is entitled for interim custody of seized vehicles till disposal of trial. However, when seized sand is alleged to be a stolen property and applicant has no prima facie document to show that he has permit of that sand then in such circumstances interim custody of seized sand can not be given to applicant.

7] Applicant is entitled for interim custody of seized tractor and trolley without sand till disposal of trial tried by this court after filling charge-sheet in crime No.68/2026 by police station Karanja Gha. The trial is yet to begin. It will take its own time. Till then if vehicle lies in the custody of a police station then possibility of damaging its parts can not be ruled out. If such thing has happened then the applicant will face the financial loss. Therefore, not going into merit at this stage, only question of interim custody is going to decide at this stage. Therefore considering aforesaid reasons I hold that application is partly entitled to be allowed. Hence, I pass following order.

ORDER

- 1] Application is partly allowed.
- 2] The seized Mahindra Swaraj 744-KM Tractor bearing registration No. M.H.-32-P-4232 and Trolley bearing registration no.MH-32AX-3189 without sand shall be handed over to applicant until further order, on the execution of indemnity bond of Rs.5,00,000/- (Rs. Five lakh only).

- 3] Applicant is directed to furnish valid insurance of vehicle before investigating officer at the time of taking possession of aforesaid vehicle.
- 4] The Investigating Officer is directed to take photographs and prepare panchanama.
- 5] The applicant is directed to undertake that, he shall not sell or transfer the released property without the prior permission of this court.
- 6] The applicant shall undertake that he shall not change the colour, size or other features of the vehicle and to maintain and preserve the vehicle in all respects.
- 7] The applicant shall undertake to produce the said vehicle as and when required by Investigating Officer, Police Station Karanja Gha. or after filing of charge-sheet, before the Court.
- 8] The applicant is directed to furnish the said indemnity bond before Investigating Officer, Police Station Karanja Gha.
- 9] The Investigating Officer is directed to attach the said panchanama, indemnity bond etc. with the charge-sheet.
- 10] Applicant should not use the same vehicle in any other offence, if found then vehicle will not be release in subsequent offence.
- 11] Accordingly, application is disposed of on aforesaid terms.

Date: 15/04/2026

(Diksha D. Vighne)
Judicial Magistrate First Class,
Karanja Gha.