

ORDER BELOW EXHIBIT 23

(Passed on 11th January, 2022)

Applicant Akash Kondu Kamble has filed application for handing over the possession of motorcycle bearing No.MH37-Y-8706. It is submitted that said motorcycle was seized by the police in Cr.No. 239/2021. Said motorcycle was seized at the instance of accused who is son of applicant namely Chaong @ Abhishek Akash Kamble. It is submitted that present applicant is not concerned with the offence. He is owner of the vehicle. Applicant needs motorcycle for his daily work. Hence, it is prayed that motorcycle be handed over to the applicant.

2) IO and Learned APP has filed say at Exh.26 and taken objection for handing over the possession of the motorcycle. It is submitted by IO that said motorcycle was seized in the serious offence. Again accused may misuse said motorcycle and may commit such offences again. It is prayed that application be rejected.

3) Accused had given no objection for handing over possession of motorcycle to applicant.

4) Heard, arguments of both the sides. Perused the documents.

5) On perusal of copy of RC, it shows that present applicant is the owner of motorcycle No.MH37-Y-8706. Present

applicant is not accused in the offence. In my opinion, said vehicle may be damaged if not used and kept at police station. So, it will be proper to return the vehicle to the applicant subject to conditions. Hence, I proceed to pass the following order.

ORDER

- 1) Application is allowed.
- 2) Motorcycle bearing No.MH37-Y-8706 be returned to the applicant Akash Kondu Kamble subject to condition that-
 - i) Applicant shall execute bond of Rs.75,000/-.
 - ii) Applicant shall not misuse the motorcycle.
 - iii) Applicant shall produce the motorcycle before the Court as and when directed by the Court.
 - iv) Applicant shall not sale the said vehicle till the case is decided.
 - v) Bond before I.O.

Date: 11/01/2022.

(Smt. Shailaja S. Sawant)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same word to word, as per the original judgment/order.

Name of Steno : R.R.Bharad, Steno Grade-II.

Name of Court : Principal District & Sessions
Judge, Washim, Dist.Washim.

Judgment/order
typed on : 11/01/2022

Judgment/order
signed by the P.O. on : 11/01/2022

Judgment/order
uploaded on : 12/01/2022