

ORDER BELOW EX.20

1. Learned advocate for applicant has urged for granting custody of seized property i.e. Motorcycle Hero Honda Splendar plus bearing registration No. MH-37-C-7989 chassis No. 06J16C53705 and Engine No.06J15M52967 belonging to the applicant seized by the police in Crime No.318/2023 registered for the offence punishable under section 379 of the IPC.
2. Learned advocate for the applicant has submitted that applicant is registered owner of the seized property. It is further submitted that, she requires the seized vehicle for her daily usage. If, it is kept in the custody of police for infinite time then there is possibility of damage to the vehicle because of its non-usage. The applicant has filed verified copy of Aadhar card, Copy of FIR, certificate of vehicle insurance of the seized property. So also, the applicant has filed verified copy of registration certificate of the seized property, wherein he is named as owner of the seized vehicle.
3. Say of APP was called. Learned APP has strongly opposed the present application by filing say on backside of the application. It is contended that, the applicant has not filed original documents of the seized vehicle along with the application. It is further contended that the police has detained the said vehicle during the investigation of above crime. If seized vehicle is released in favour of the applicant then she will modify and change its identity. Thus, prayed to reject the application.
4. Heard both sides. Perused the application, say and documents filed along with the application. Hon'ble Supreme Court has passed certain directions in landmark authority ***Sunderbhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.*** As per this ruling, immediate and appropriate order for disposal of the seized property should be passed by a Magistrate which has been kept for a long time at the police station. Because, the trial takes its own time to complete and till then possibility of seized property getting junk cannot be ruled out. Hence, in my considered view, after imposing certain strict conditions the

applicant is entitled for the interim custody of seized property U/s.457 of the Code of Criminal Procedure. Hence, following order-

ORDER

1. Application is allowed.
2. The applicant shall execute a Supurtnama bond before the Officer in Charge of Karanja City Police Station, binding himself to produce the seized property i.e. Motorcycle Hero Honda splendar Plus bearing registration No. MH-37-C-7989 chassis No.06J16C53705 and Engine No.06J15M52967, as and when directed by the court and in default, to forfeit the amount of Rs. 60,000/- (Sixty Thousand Rupees) to the Government. Moreover, the applicant shall not sell, modify or alienate, said vehicle and also not to change its structure without permission of the Court.
3. The applicant shall furnish, at her own expenses, to the Officer-in-charge of Karanja City Police Station, two self-attested colour photographs of the said vehicle, for its identification purpose. The police officer shall facilitate such photography.
4. After compliance of above referred conditions, Officer in charge of Karanja City Police Station is directed to handover the above referred vehicle forthwith to the applicant.
5. The Officer-in-charge of Karanja City Police Station shall, upon receiving such photographs, countersign the same, prepare a possession receipt-cum-panchnama, handover custody of the seized vehicle to the applicant and file the photographs and possession receipt along with the indemnity bond in R.C.C no.318/2023 forthwith.

6. Copy of this order be sent to the Officer-in-charge of Karanja City Police Station, for compliance.

Sd/-

Date: 04/06/2024.

(**Supriya N. Pund**)
Judicial Magistrate First Class
Karanja (Lad), Dist. Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Steno. :- P. R. Daware (Sr. Clerk)
Court Name :- Civil Judge (Jr.Dn.) and J.M.F.C.,
Karanja. Dist. Washim.
Date :- 04/06/2024
Order signed by the :- 04/06/2024
presiding officer on
Order uploaded on :- 04/06/2024