

MHWS08000347-2026



ORDER BELOW EXH.01

Perused the application and the documents filed along with it.

2] The Investigating Officer and APP have strongly opposed it and objected to release seized vehicle i.e. Eicher company Tractor bearing registration No.MH-30-J-5823, Chasses No.96411504253 and Engine No.56427207195 with Troly LMV Trailer bearing registered No.MH.37-A-9379 and Chasses No.T.F.W.-6002-2010. APP has submitted that, the say of Tahsildar regarding the said matter is not on record. She further submitted that, the said vehicle is not seized by the concern police station Risod. The said vehicle is detained at Police Station, Risod. Therefore, this application is not tenable and say of Tahsildar is necessary to decide the matter on record. Therefore, they prayed to reject the application.

3] Called say from Tahsildar, Risod. But Tahsildar, Risod has failed to filed her say. Therefore order passed at Exh.1. Perused the say of Police Station at Exh.5 and contended that, if the seized vehicle give possession of applicant then nature of seized property will be changed and possibility of such type of offence cannot be ruled out in future. Lastly he prayed to reject the application. The Ld. Counsel for the applicant submitted that, the investigation in crime is likely to be concluded in near future and application has also paid penalty in revenue department.

4] The applicant has filed the following documents :-

- A) Verified copy of R.C. Book.
- B) Xerox copy of F.I.R.
- C) Verified copy of Adhar card.
- D) Verified copy of Vehicle particular.
- E) Challan M.T.R. Form No.6.

5] From the documents applicant appears to be the owner of seized vehicles. From record it appears that, the said vehicles have been detained in Crime No.119/2026 for an offence punishable u/s.21 of The Mines and Mineral (Regulation and Development) Act 1957, u/s.48(7), 48(8) of Maharashtra Land Revenue Code 1966 and u/s. 303(2) of B.N.S. From the challan it appears that, applicant has paid amount fees of Rs.1,12,150/- through Revenue Department. Therefore, applicant is entitled to receive the property. No purpose would be served in keeping the seized property at the Police Station. The possibility of the damage to the property can not be ruled out if kept lying in the Police Station.

6] Considering the nature of the seized property, its protection, guarding and safe custody is not reasonably practicable. Looking into the nature of the seized property, it may lose its worth and value.

7] As the applicant has shown entitlement to receive the seized property and as no claimant other than the applicant came forward, he is entitled for the possession of the same. Therefore no purpose would be served keep the vehicle in Police Station. So far as the apprehension raised by

the APP is concerned that can be taken care of by imposing appropriate conditions. In the result following order is passed:

ORDER

1. The application is allowed.
2. The property seized vehicle i.e. Eicher company Tractor bearing registration No.MH-30-J-5823, Chasses No.96411504253 and Engine No.56427207195 with Troly LMV Trailer bearing registered No.MH.37-A-9379 and Chasses No.T.F.W.-6002-2010 registered with P.S., Risod Crime No.119/2026 be handed over to the applicant on the applicant executing indemnity bond of Rs.5,00,000/- (In word of Rupees Five Lac only).
3. The applicant to undertake that, he shall not sell or transfer the property without the prior permission of the Court. The applicant to maintain and preserve the property in all respects.
4. The applicant shall produce the property in the Court as and when directed.
5. I.O. is directed to take photographs of vehicle from each side at the costs of applicant and to prepare a panchnama before handing over the possession of the vehicle to the applicant. I.O. is further directed to file said photographs and panchnama along with final report.

Date : 08/04/2026

(Dinesh M. Gaikwad)
Judicial Magistrate, F.C.,
Court No.2, Risod.

CERTIFICATE

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

Name of the Stenographer : B. V. Bhisade, (Grade III)
Name of court : Jt. C.J.J.D. & J.M.F.C., Risod.
Date : 08.04.2026
Order signed by the
Presiding Officer : 08.04.2026
Order uploaded on : 08.04.2026