

MHWS080004012026



CRI. MISC. APPLICATION NO.

30/2026

**Sagar Pandit Mokale Vs State
Through Police Station Risod**

ORDER BELOW EXH.1

1. This is an application filed by applicant **Sagar Pandit Mokale** under Section 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNS 2023) for interim custody of **Swift Astar Car** bearing registration No. **MH-04-DW-2079** having engine No. **K10BN1000966** Chassis No. **MA3EPDE1S00100994** seized in **Crime No.980/2025** of Risod police station for the offence punishable under Section 318(4),333, 140(2), 61(2), 324(4), 351(3), 352 of Bhartiya Nyay Sanhita. (BNS 2023)
2. It is the submission of the applicant that he is registered owner of the said vehicle. The said vehicle is purchased for personal use. It is seized by police in Crime No.980/2025 of Risod Police station and lying at police station. If said vehicle is kept lying at police station, it will get damaged. Applicant is ready to abide all conditions of the Court. Hence, applicant has prayed for release of said vehicle.
3. Say of concerned investigating officer and A.P.P was called for. Learned A.P.P. by filling his say on overleaf of present application has opposed the application on the ground that Offence is serious in nature and the seized tractor is important piece of evidence, further investigation is ongoing. If vehicle is released in the custody of the applicant, there is possibility of its alienation or changing its nature. Learned A.P.P. prayed for rejection of application. The Investigating officer has filled his say at **Exh.No.05**. He submitted that order be passed by imposing appropriate conditions.
4. I have heard learned advocate for the applicant and Ld. A.P.P.

and perused the say of Investigation officer.

5. In present Case applicant in support of his application has place on record verified copy of certificate of registration, on perusal of the same it appears that the applicant is owner of the seized vehicle bearing registration No. **MH-04-DW-2079**. The applicant has filled on record copy of the FIR, copy of Aadhar card. On perusal of FIR it appears that said vehicle was seized in connection with Crime No.980/2025 of Risod police station.

6. According to section 503 of BNSS 2023, While considering the application under section 503 of BNSS, it has to be seen that who is registered owner of seized vehicle. From the perusal of certificate of registration, it appears that the applicant is the owner of seized vehicle. Considering the nature of the present application, I find no purpose to detain said vehicle till the conclusion of investigation or trial. The seized vehicle belongs to applicant. Appropriate conditions can be imposed while releasing the said vehicle and a panchnama of such release procedure can be conducted and be attached with the proceeding which would serve the purpose. As far as submission of learned A.P.P. is concerned, I find that his apprehension can be taken care of by imposing certain conditions on the applicant while releasing custody of seized vehicle.

7. As per the ratio laid down by the Hon'ble Supreme Court in the Case of *Sundarbhai Ambalal Desai V/s. State of Gujarat, reported in 2002 SCC OnLine SCC 934*, it has been directed that no purpose would serve to keep the seized vehicle lying in the premises of police station till the conclusion of trial as there is possibility of rusting if they are kept unused. In the light of aforesaid observations and in view of directions of the Hon'ble Supreme Court in case of *Sundarbhai Desai (cited supra.)*, I proceed to pass following order,

ORDER

1. Application is allowed.
2. The Officer in charge of Risod police station is directed to release **Swift Astar Car** bearing registration **No.MH-04-DW-2079** having **engine No. K10BN1000966, Chassis No. MA3EPDE1S00100994** seized in Crime No.**980/2025** of Risod police station in interim custody of **Sagar Pandit Mokale** under Section 503 of BNSS 2023.
3. Applicant is directed to submit Supurtnama of **Rs.8,00,000/-** for release of aforesaid vehicle. **The bond be furnished before the I.O.**
4. Concerned I.O. is directed to prepare panchnama while handing over the custody of seized vehicle to the applicant and take photographs of seized vehicle at the costs of the applicant.
5. The applicant is directed that he should not change the form, nature or color of seized vehicle or transfer or alienate the seized vehicle in any manner without the prior consent of this Court.
6. The applicant is directed that he shall produce the said vehicle before the Court and I.O. as and when required by the Court and I.O.
7. The concerned I.O. is directed to submit the panchnama and photographs of seized vehicle along with the final report.

Date : 23/03/2026

Sd/-
(K. D. Lukde)
Judicial Magistrate, F.C.
Court No. 3, Risod.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Orders are same word for word as per original Judgment/ Order.

Name of the Jr. Clerk	:	Pandit, (Jr Clerk)
Court Name	:	2 nd Jt. C.J.J.D. & J.M.F.C. Risod.
Date	:	23/03/2026
Order signed by		
Presiding Officer	:	23/03/2026
Order Uploaded on	:	23/03/2026