

MHWS08000513-2026



ORDER BELOW EXH.01

Perused the application and the documents filed along with it.

2] The Investigating Officer and APP have objected to release seized vehicle i.e. Mahindra & Mahindra company Swaraj Tractor-744 FE N1 bearing registration No.MH-37-AH-4941 and Troly LMV Trailer bearing registered No.MH.37-AH-6884. APP has submitted that, the said seized vehicles were use in commission of offence. Therefore it is important evidence against accused person. It is released, then there is every possibility to sell it or change its nature. It is also submitted that, it is necessary and required to verify the documents regarding the ownership of the property. Therefore, he prayed to reject the application.

3] Called say from Tahsildar, Risod. Tahsildar Risod has filed say at Exh.6 and contended that, the applicant used the vehicle for illegal excavation of sand, so she has imposed penalty of Rs.47,850/- in view of Section 48(7) of Maharashtra Land Revenue Code, 1966. According, applicant has paid amount of Rs.47,850/- to State Government by way of challan. As per Section 48(8)(2) of Maharashtra Land Revenue Code, 1966 applicant has paid penalty of Rs.1,00,000/-. Therefore, it has been stated that there is no objection to release the said vehicle to the applicant. The Ld. Counsel for the applicant submitted that, the investigation in crime is likely to be concluded in near future.

4] The applicant has filed the following documents :-

- A) Xerox copy of R.C. Book.
- B) Xerox copy of F.I.R.
- C) Xerox copy of Adhar card.
- D) Xerox copy of Vehicle particular.

5] From the documents applicant appears to be the owner of seized vehicles. From record it appears that, the said vehicles have been seized in Crime No.147/2026 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. 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. As penalty imposed by Tahsildar as well S.D.O has paid by applicant 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. Mahindra & Mahindra company Swaraj Tractor-744 FE N1 bearing registration No.MH-37-AH-4941 and Troly LMV Trailer bearing registered No.MH.37-AH-6884 seized in Crime No.147/2026 registered with P.S., Shirpur be handed over to the applicant on the applicant executing indemnity bond of Rs.7,00,000/- (In word of Rupees Seven 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 : 01.04.2026

(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 : 01.04.2026

Order signed by the
Presiding Officer : 01.04.2026

Order uploaded on : 02.04.2026