

MHYA1000-0397-2026



ORDER BELOW EXH. 1 IN
CRIMINAL MISC. APPLICATION NO. 43 OF 2026
Pradip Suresh Dakhare Vs. State of Maharashtra.

(Passed on 1st April, 2026)

The present application has been filed by the applicant namely **Pradip Suresh Dakhare** under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (In Short BNSS) for the possession of Vehicle bearing Registration No. **MH-34-BG-5670** which is seized by Police Station Pandharkawada in **Crime No. 312/2026**.

2. It is the contention of the applicant that P.S. Pandharkawada has seized the vehicle bearing No. **MH-34-BG-5670** in connection with crime no. 312/2026 in violation of Section 11(1)(d),(c),(j) prevention of cruelty to Animal Act 1960 and read with section 5, 5(a) and 9 of the Animal Preservation Act 1976. The applicant has purchased the cattle for agricultural purposes and he is the owner of the cattle.. He is also having all the legal documents relating to the seized vehicle which shows his ownership over the same vehicle. He is ready to abide by any of the conditions that may be imposed by this court in the event of release of the seized vehicle on supratnama. He is also ready to pay maintenance to concerned Gorakshans jointly.

3. As against this, the I.O. and the learned A.P.P. have opposed the said application on the ground that the seized vehicle was carrying the cattle which was not fit to carry the same and also no certificate for carrying the cattle was issued by the R.T.O. to the applicant. Hence, they prayed for rejection of the present application. The concerned Gorakshans (Kondwada) has also filed his say. He has filed objection to the release of aforementioned vehicle.

4. Perused the application, say filed by the learned A.P.P. and I.O. Heard learned counsel S.R.Tawar for applicant and learned A.P.P. at length. Considered their submissions.

5. The learned counsel for applicant invited my attention to the list of documents filed on record at Exh.02. It appears that the seized vehicle is registered at RTO Office Chandrapur State- Maharashtra. Perusal of registration certificate issued by RTO Office Chandrapur State- Maharashtra shows that the applicant is registered owner of the seized vehicle. He has also filed verified copies of RC book, Adhar Card, Copy of 7/12, certificate of insurance copy of FIR and Fitness certificate. The ownership of vehicle is not claimed by anybody else than the present applicant.

6. The learned counsel for applicant S.R.Tawar has relied on Mohammad Razique Mohammad Sabir Vs State of Maharashtra, Criminal Criminak Writ Petition no.304/2022 wherein it is observed by Honorable Bombay High Court that,

“ Though the vehicle is seized for the offence under the special

statue, no specific provision is brought to the notice about confiscation of vehicle. In absence of such provision under the Rules of 2017, the general provision contained under Chapter XXXIV of the Code of Criminal Procedure would apply. The trial Court will take considerable time for disposal of the case. Certainly, if the vehicle is kept lying at the Police Station, during passage of time it would become worthless. Therefore, though the vehicle can be held as security, the interim custody can be given to the petitioners on certain terms and conditions.”

7. On perusal of record it appears that in the present matter also there is no material on record to show that the vehicle has been confiscated. Therefore the ratio laid down in the judgement supra is applicable in the present matter. It is also true that, if the vehicle is kept idle at the Police Station, it will certainly rust and damage. There is no reason to disbelieve that, the applicant needs this vehicle for his day-to-day use.

8. The ratio laid down in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat reported in AIR 2003 SC 638** will also have to be kept in the mind wherein Hon'ble Supreme Court has laid down the guidelines for disposal of property during pending investigation and trial. It was held in the said case that-

“ Whatever may be the situation, it is no use to keep such seized vehicle at police station for long period and it is for the magistrate

to pass appropriate order by taking appropriate bond.”

9. Moreover, the applicant is ready to abide all the conditions imposed upon him. He is ready to pay maintenance to concerned Gorakshans jointly. In view of judgments cited above it is just, proper and expeditious to return the vehicle to applicant, particularly when he has shown his ownership over the same on certain terms and conditions. At the same time, in order to secure the vehicle easily, if required, it is necessary to take some security from applicant and to impose some conditions. Hence, the order;

ORDER

1. The application is allowed.
2. The interim custody of the seized vehicle i.e. bearing registered number **MH-34-BG-5670**, CH. No.**MA1ZN2TBKK1F56175** ENG .No. **TBK1F63281** be given to the applicant **Pradip Suresh Dakhare**, R/o Near Saimangal Karyalya Varora, Taluka Varora Dist. Chandrapur on their executing indemnity bond of Rs. 10,000,00/-(Ten lakhs only) specifying and undertaking the conditions as mentioned in this order if the said vehicle is not required under another offence, law or proceeding.
3. The said vehicle bearing registered number **MH-34-BG-5670** be kept as a security, in this crime till conclusion of trial.

4. The Investigating officer is hereby directed to release the vehicle only if the maintenance amount is actually paid by the applicant from the seizer till its release.
5. The applicant shall deposit the maintenance and care charges of Rs. 200/- per day per cattle (Rs.400/- per day for total Two cattle) till date of passing of order jointly or severally with the owner of the cattle under section 5(1) of the Act before release of the vehicle.
6. Applicant is directed not to change, sell, transfer and alienate etc of the seized vehicle or in any other manner till conclusion of trial / investigation if any.
7. Applicant to produce the aforesaid vehicle as and when called by the Court during the trial of the crime.
8. The applicant shall furnish at his own expenses to the Investigating officer two self attested colour photographs of the vehicle, for its identification purpose. The Investigating Officer shall facilitate such photography.
9. The Investigating officer shall upon receiving such photographs, counter sign the same, prepare a possession receipt-cum-punchnama and handover the custody of the vehicle to the applicant and forward the photographs and the possession receipt to the court forthwith.

10. Applicant to furnish bond before the investigating officer.
11. Copy to the Investigating Officer, for information and necessary action. The investigating officer is directed to tag the copy of Suprutnama, panchanama and relevant documents along with the police report which may be filed in the above crime.

Date :- 01/04/2026

(Sayema N.A.S. Shaikh)

Place :- Kelapur

Judicial Magistrate F. C.

(Court No. 2), Kelapur.