



ORDER BELOW EXH.1
(Passed on 18th June, 2026)

The present application is filed under **Section 503** of Bharatiya Nagarik Suraksha Sanhita for release of DI 745 iii HDM tractor bearing **Registration No. MH-29/CJ8466, Chasis No. KZCSL166364353, Engine No. 3105ELU54J1639869F20** (hereinafter to be referred as “Vehicle”) seized by the Police Station, Mahagaon in Crime No. 207/2026 for the offence punishable under **Section 48(7), 48(8)** of Maharashtra Land Revenue Act 1966.

2. The applicant contended that he is the owner of said tractor. It is further contended that the applicant is in need of the said vehicle for his agricultural work and in its absence he is facing difficulty. Police authority lodged report against the applicant and seized his Tractor . He requires the seized tractor for his agricultural work. The police authority has kept it in open space at police station. It will take long time for the trial to conclude. If the Tractor are kept unused it's commercial value will be deteriorated due to rain or sunlight and applicant will suffer heavy economic loss. Therefore, he is entitled for the custody of seized Tractor and is ready to follow every conditions imposed by the Court. Therefore, he requested for interim custody of seized Tractor.

3. Say of Investigating Officer and learned A.P.P. was Called. The learned A.P.P. has filed his say over back-leaf of the application and submitted that if the said trolley is released then the applicant may change its colour and nature. The investigation is still going on. Hence, prayed for rejection of the application. Investigation officer by submitting say at

Exh.2 objected the application on the ground that applicant used the seized Tractor for the purpose of committing theft. If seized Tractor are handed over to the applicant he will commit similar kind of offence or change its nature. Therefore, prayed to reject the application.

4. Heard Ld. Advocate for the applicant and learned A.P.P. They argued verbatim to their contentions. The applicant has supported his claim by producing copy of F.I.R. at (**Exh.1/1**), copy of registration R.C. book of tractor at (**Exh.1/2**) and copy of Adhar card at (**Exh.1/3**). Perusal of the reveals that the applicant is the lawful owner of tractor. Applicant is identified by his Ld. Advocate Shri. D. T. Parekar.

5. The documents filed by applicant reveals that he is the owner of the aforesaid vehicle and has given all the rights with respect to vehicle. Thus, applicant is lawfully entitled to have the custody of the vehicle. This Court has identified and verified the contents of the affidavit. Having said about the custody of the same till conclusion of trial, it is important to note that Hon'ble Supreme Court of India in the case of **Sunderbhai Ambalal Desai Vs. State Of Gujarat**, [2002 Supp(3) SCR 39], it was held as under:

“In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles”.

6. Nobody except the present applicant has claimed the custody of seized tractor. No purpose would be served by keeping the said tractor ideal at Police Station. There is every possibility of damage which could be caused to the said tractor, if it is kept laying unused at the Police Station and thereby applicant would suffer economic loss without any reason.

Therefore, it would be proper to handover the custody of the said trolley in the hands of the present applicant. Also, no previous criminal antecedents against the applicant are available on record. Therefore, it would be proper to hand over interim custody of seized tractor on executing supratnama and by imposing certain conditions. Considering aforesaid aspects, the application deserves to be allowed. Hence, I pass the following order:

ORDER

1. Application is allowed subject to future claim.
2. Applicant is directed to furnish an affidavit that he will not use the released tractor in similar kind of an offence and if he breach the condition, he shall be liable to pay the bond amount.
3. Police Station Officer, Mahagaon is directed to handover interim custody of DI 745 iii HDM tractor bearing **Registration No. MH-29/CJ8466, Chasis No. KZCSL166364353, Engine No. 3105ELU54J1639869F20** on executing supratnama of **Rs. 5,00,000/- (Five Lakh) for tractor** seized in Crime No. 207/2026 to the applicant, on due verification and production of sale certificate.
4. Before giving interim custody of Tractor detail panchanama of condition shall be prepared in presence of I.O. and two independent panch witnesses and be filed on record along with the Supurtnama.
5. Police Station Officer, Mahagaon is directed to take color photographs of seized Tractor at the cost of applicant and file the same on record along with Supurtnama.
6. Applicant shall not sale, pledge, mortgage or alterations in the said Tractor till conclusion of the Crime No. 207/2026 and

produced as and when directed by I.O or Court.

7. Hamdust be given to the applicant.

Proceedings are closed.

(Dictated and pronounced in open court)

Date :- 18/06/2026

Place :- Mahagaon.

(S. R. Jain)
(J.O. Code - MH03229)
Judicial Magistrate First Class,
Mahagaon.

CERTIFICATE

I affirm that the contents of this P.D.F file Order is same, word to word, as per the original Order.

Name of Stenographer	:	M. S. Deshmukh
Name of the Court	:	C.J.J.D. & J.M.F.C., Mahagaon.
Date of Order	:	18/06/2026
Judgment signed by the presiding officer on	:	18/06/2026
Judgment uploaded on	:	18/06/2026