

MHYA170002922026



ORDER BELOW EXH. 1 IN

O.M.Cr.A. 13/2026

Samiulla Khan Saifulla Khan Vs. State

The application is filed by Samiulla Kha Saifulla Kha Pathan through special power of attorney Ankush Harichandra Gaygole to handover Tipper bearing registration No. MH-29-BE-1396, chassis no.MAT361203A1P40314 and engine no.697TC66PZY135247 seized in Crime No.98/2026 registered with Police Station, Kalamb on Supratnama. The applicant claims that, he is the registered owner of said vehicle.

2. I.O. filed his say and submitted that original documents of ownership is not given in investigation. Applicant and original owner are different and original documents of seized vehicle are not produced. If custody of seized vehicle is given on supurtnama, then there is possibility that the applicant will used this seized vehicle in similar kind of offence. For illegal excavation of sand letter is given to Tahsildar, Kalamb for imposed penalty and for vehicle to keep in police station premises. So also applicant is not produced any penalty receipt and documents about seized vehicle. Hence, vehicle is not released on supurtnama.

3. Learned A.P.P. filed his say and strongly objected the application and request to consider I.O.'s say as his say. No other person has claim the interim custody of seized vehicle. The documents shows that, the applicant is the registered owner of the aforesaid vehicle.

4. While pending this application applicant filed his Affidavit at Ex.06 that he came to know that an unknown person set fire his vehicle. So there had been huge loss. Thereafter, he lodged the report in police station. Say of Tahsildar was called regarding status of vehicle. The Tahsildar filed his say with panchnama and submitted that said vehicle's Cabin part and Tyre was burned and the same is kept in their premises. I.O. filed his say with spot panchnama and submitted that the said vehicle is in burned condition kept in Tahsil premises. From the say of Tahsildar and I.O. it transpires that some part of the vehicle is burned but the vehicle is lying in the premises of Tahsil office, Kalamb.

5. If the seized vehicle is handed over to the applicant he may have chance to restore the vehicle at his original condition. But if the said vehicle is kept lying unattended and unused then there is a very possibility that, the said property may get damaged or become junk. The applicant is ready to abide by all these terms and conditions if any, imposed by this Court while releasing the property. The grievance of the prosecution can be redressed by imposing sufficient and necessary conditions on the applicant. I found no need to reject the application on this ground.

6. There is no point in keeping seized property in the premises of the Tahasil Office. It will be appropriate to release the property on following terms and conditions. Hence, I pass the following order as under:-

:: ORDER ::

- 1) This application is allowed

- 2) The P.S.O., Police Station, Kalamb, District Yavatmal, shall make arrangement to hand over interim custody of Tipper bearing registration No. MH-29-BE-1396, seized in Crime No.98/2026 registered with Police Station, Kalamb on Supratnama in favour of the applicant on executing on Indemnity Bond of Rs. 4,00,000/- (Rs. Four Lakhs only). The I.O shall obtain acknowledgment receipt from the applicant as soon as vehicle is handed over.
 - I) The applicant shall produce the above said property as and when required by this Court.
 - II) The applicant shall not alienate the said property in any manner without prior permission of the Court.
 - III) The applicant shall not change the nature of the above said property so as to loss its identity.
 - IV) The applicant shall furnish valid copy of insurance certificate and verified copy of R.C. Book to the I.O.
- 3) The applicant shall execute an indemnity bond thereby undertaking the indemnity an amount of Rs. 4,00,000/- (Rs. Four Lakhs only) in case of his failure to produce the said property whenever required.
- 4) The concerned Investigating Officer is hereby directed to prepare detailed panchnama to the said vehicle before releasing it in favour of the applicant on Supratnama and take it's photographs, at the expenses of the applicant, counter sign by the applicant.
- 5) Inform the concerned Police Station, Tahasildar, Kalamb accordingly.

Kalamb .
Date: 08/06/2026

(H. N. Pole)
Judicial Magistrate First Class,
Kalamb, Dist.Yavatmal