

MHYA190001852026 	O.M.C.A. No.20/2026 Gajanan Panse through POA Pawan Thakare Vs. P.S. Ralegaon
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ORDER BELOW EXH.- 01

(Date: 04-05-2026)

This is an application filed by applicant namely, **Gajanan Devrao Panse through Power of Attorney Pawan Prabhakarro Thakare** under section 503 of Bhartiya Nagrik Suraksha Sanhita seeking interim custody and for releasing his Trolley Registration No. **MH 29 CJ 3148 Chasis No. JAI052TSP/539/25, Engin No. NA000** was seized by Ralegaon Police Station under section 303(2) of Bharatiya Nyaya Sanhita 2023, and Section 48(7) 48(8) of Maharashtra Land Revenue Code 1966 and Section 3,4,21 of Mine and Minerals Act, and Section 9,15 of Environment Protection Act in Crime No. 18/2026. The above said vehicle belongs to applicant. The learned counsel for applicant submitted that the above said vehicle was seized in connection with Crime No. 18/2026. Thus, applicant claims said vehicle on supurdnama. The applicant further submitted that, he is owner of the seized vehicle. The seized vehicle is necessary to the applicant for his livelihood. If seized vehicle is not released then there is possibility to damage its color, spare parts, wheels etc it would cause economical damage of the applicant. The applicant is ready to abide all conditions imposed by this Hon'ble Court. Therefore he prayed to allow his application.

2. Investigation officer and learned App for state has filed their say to this application on record. Despite of service of notice to Deputy Collector Mine and Minerals Department Yavatmal, he did not file his say to this application if any hence, this application is proceeded as no say of Deputy Collector Mine and Minerals Department Yavatmal. Perused the say of Investigation Officer. It appears that, the investigation officer submitted

that, on 24.01.2026 vehicle of applicant is seized from complainant by police station Ralegaon. He has no objection to release the seized vehicle after due verification of original documents of seized vehicle.

3. The learned App for state has filed his say to this application and took objection to this application. He submitted that, Crime is very serious in nature and against the Government property. As per record and documents alongwith the application as well as say of Investigation Officer, FIR the alleged property two times seized by different authorities by different mode and nature. Due to said reason there is question of jurisdiction of this Hon'ble Court. As per record there is absence of insurance copy of alleged property and absence of say regarding fine imposed by Revenue Authority upon alleged property, due to said reason the right of being heard can be curtailed. As per record there is absence of proper copy of R. C. Book of alleged property due to said the ownership is in question. As per record the final report of alleged offence filed in RCC No.34/2026 on 11.03.2026 due to said reason the application is not tenable. If the seized vehicle is released then there is possibility to change its color, there is possibility to sale, mortgage of the seized property and there is possibility of involvement of seized vehicle in similar type of crime. Hence he prayed to reject this application. Notice to Deputy Collector mine and minerals Yavatmal received on 06.03.2026, despite of sufficient opportunity he did not file any say to this application hence this application is proceeded as no say of Deputy Collector mine and minerals Yavatmal.

4. On perusal of record, it appears that, the seizure of the vehicle is connected with offense under special statutes particularly the Maharashtra Land Revenue code and Mine and Minerals Act wherein specific provisions exist regarding seizure and confiscation and jurisdiction is vested with the Competent Revenue Authority. Perused say of Investigation Officer and first information report it seems that, the complainant has seized the vehicle of the applicant as stated in this application. Police station Ralegaon has seized

the vehicle of the applicant from Complainant on 24.01.2026. In such circumstances when the seizure is effected under special enactments and the Competent Authority is empowered to deal with such property, this court is not inclined to exercise jurisdiction under section 503 of Bhartiya Nagrik Suraksha Sanhita. The charge sheet is also filed and registered as RCC No. 34/2026. considering the above mentioned facts and circumstances this court finds no merit in the present application hence, I pass following order.

ORDER

- i. Application bearing no OMCA 20/2026 is hereby rejected.
- ii. The application is disposed off accordingly.

Date : 04-05-2026
Place: Ralegaon

[Ramchandra Dattatray Mane]
Judicial Magistrate First Class,
Court No.2, Ralegaon.