



Order below Exh. No. 01 in Other Misc. Criminal Application No. 31/2026
(01/04/2026)

Perused the application and say filed by learned Special A. P. P. Heard both sides. This present application is filed by applicant namely **Narendra Bapurao Patil** seeking interim custody on supratnama of the Ashok Leyland Tipper vehicle bearing registration no. **MH-29-BE-0019**, Chassis no. **MB1G3CHD3HEEX7336** & Engine no. **HEEZ408822** seized in Crime no. 152/2026 registered at Police Station, Wadki, Tal. Ralegaon, Dist. Yavatmal. The applicant has prayed for the interim custody of said vehicle on supratnama.

02. The learned Advocate for the applicant has submitted that the applicant is the owner of the vehicle. The vehicle is only income source of the applicant. There is no other source of income for the applicant. If the vehicle is kept in police station, he will suffer irreparable loss. If the vehicle is kept unused it will cause damage to its tyres, tubes, engine and other parts. The applicant is ready to abide by the conditions imposed. He also submitted that vehicle is meant to be plied on the road and no purpose will be served by allowing it to remain idle in the police station. He further submitted that neither the police nor the revenue officer have initiated any steps for confiscating the said vehicle. He further submitted that if the vehicle is kept in idle and exposed to sun and rain, it will get deteriorated and therefore, he prayed to release the said vehicle for interim custody. He also submitted that the applicant is ready to abide by the conditions imposed. On these grounds the applicant has prayed to grant custody of the vehicle.

03. The investigation officer has filed his say at exh. no. 08 and

submitted that muddemal is necessary at the time of trial. He also submitted that the applicant may transfer or sell the muddemal property after getting the custody of it. Therefore, investigation officer has prayed for passing proper order. The learned Special A. P. P. has filed her say below the application and submitted that offence is serious in nature. The applicant has transported the sand without permission of government. Investigation is in progress and muddemal is necessary at the time of trial. She also submitted that the applicant may transfer or sell the muddemal property after getting the custody of it. Hence, she has prayed for rejection of application.

04. The learned Advocate for the applicant submitted that applicant is the owner of the said vehicle. He also submitted that the seized vehicle should not be allowed to remain idle. The applicant in support of his application has filed on record the following documents.

- a) Copy of Certificate of Registration of vehicle.*
- b) Photo copy of Schedule Cum Certificate Commercial Vehicle Insurance Policy – Package (goods Carrying).*
- c) Photo copy of F. I. R*
- d) Verified copy of Aadhaar Card of applicant.*

05. From the perusal of the documents it appears that applicant is the owner of seized vehicle. No other person than applicant has claimed the right of ownership over the seized vehicle. No purpose will be served by keeping the said vehicle in the police station. There is possibility of causing damage to the said vehicle if it has kept lying in the Police Station without use of it. The trial will not conclude in near future.

06. There is no dispute that the applicant is the owner of the vehicle. There are no criminal antecedents. The trial is not likely to get

over soon. It would be a sheer waste if a registered vehicle is allowed to remain idle, more so when there are no criminal antecedents. No fruitful purpose will be served by retaining the vehicle during pendency of the trial, rather it will diminish the value of the said vehicle, when the applicant is ready to produce the vehicle as and when called by above mentioned authorities, then certainly the vehicle concerned can be given in the interim custody of the registered owner. It is futile to lay the vehicle idle in the Police Station or any other unsecured place when the vehicle concern not kept in the secured place i.e. garage there is every possibility of it being damaged by vagaries of weather. There is no bar that the property cannot be released looking to the seriousness of the offence.

07. So far as the contention of learned Special A. P. P. that if the said vehicle returned to the applicant then there is possibility that the applicant may use the same for commission of offence is concerned it is to be noted that, conditions can be imposed on the applicant regarding the same.

08. In **Sunderbhai Ambalal Desai vs State Of Gujarat, AIR 2003 SC 638**, the Hon'ble Supreme Court in paragraph no.17 has held as follows:

“ 17. 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. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicles should be taken and detailed panchnama should be prepared.”

09. In view of the observations of the Hon'ble Apex Court as made in the above reported case law, it appears that, it will be just & proper by imposing certain conditions the seized vehicle be released. As the applicant has shown his ownership over the seized vehicle, he is entitled for the possession of the same. In the result, following order is passed :-

ORDER

01. The application is allowed.
02. The Police Officer, Police Station, **Wadki**, Tal. Ralegaon, Dist. Yavatmal is hereby directed to handover the interim custody of the the seized property i.e. Ashok Leyland Tipper vehicle bearing registration no. **MH-29-BE-0019**, Chassis no. **MB1G3CHD3HEEX7336** & Engine no. **HEEZ408822** seized in Crime no. 152/2026 registered at Police Station, Wadki, Tal. Ralegaon, Dist. Yavatmal to the applicant namely **Narendra Bapurao Patil** till the conclusion of the trial, on the applicant's executing indemnity bond of Rs.10,00,000/- (Rs. Ten Lakhs only) on his proper identification.
03. The applicant shall provide the necessary documents in respect of said vehicle to the investigating officer.
04. The applicant to undertake that he shall not sell or transfer the said vehicle without prior permission of the Court.
05. The applicant is further directed that he shall not change the shape, colour and the nature of the said vehicle.
06. The applicant to preserve & maintain the said vehicle in all respects and shall not hire the same for illegal purposes.
07. The applicant is further directed that he shall not use the said vehicle for unauthorized extraction, removal, collecting replacement, picking up or disposal of Minor Minerals or Transportation of the same.

08. The applicant shall produce the said vehicle as and when directed by this Court or Investigation Officer or Revenue Authorities in connection with action under the Revenue Act & Maharashtra Land Revenue Code.
09. The Investigating Officer is hereby directed to prepare a detailed panchnama of the said vehicle and to take at least four photographs from each side of the said vehicle and certified copies of photographs be kept along with the original case papers.
10. The investigating officer is directed to produce indemnity bond, photographs, panchnama and copy of this order along with charge sheet, if filed.
11. The applicant is also directed not to use the said vehicle for the purpose to commit any offence and also not to hand over the same to anyone who will use the same for the commission of any offence.
12. Inform concerned police station accordingly.

Place : Ralegaon.

Date : 01/04/2026.

(U. M. Patil)
Judicial Magistrate First Class,
Ralegaon.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

a) Name of the Stenographer :- R. R. Hardiya,

b) Court :- Civil Judge Junior Division
and Judicial Magistrate First
Class, Ralegaon.