



Order below Exh. No. 01 in Other Misc.
Criminal Application No. 27/2026
(23/04/2026)

Perused the application and say filed by learned Special A. P. P. Heard both sides. This is an interlocutory application preferred under section 503 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, by the applicant namely **Chaitanya Khemdas Solanke** through his lawfully constituted attorney namely **Satish Purushottam Bhoyar**, praying for the interim custody of a seized heavy commercial vehicle, namely a Tata Motors Tipper bearing Registration No. **MH-27-BX-6100**, Chassis No. **MAT373172D1H10418** and Engine No. **697TC69HWY112617** 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 applicant asserts that he is the absolute registered owner of the seized vehicle. To facilitate the legal release of the vehicle, the applicant executed a Special Power of Attorney on **16/03/2026** in favor of **Satish Purushottam Bhoyar**. The applicant submits that the vehicle is lying idle in the open premises of the police station, exposed to severe weather conditions, which will inevitably lead to its mechanical deterioration and cause irreparable financial loss, threatening the livelihood of the attorney holder. The applicant undertakes to abide by all terms and conditions imposed by this Court.

03. The Investigating Officer has submitted his formal report at exh. 6, objectively outlining the facts of the raid and seizure. The I. O. has adopted a neutral stance, stating that if the applicant fulfills the terms and conditions imposed by the Court, the report is submitted for the passing of further necessary orders regarding release.

04. Conversely, the learned Special Assistant Public Prosecutor has filed a strong handwritten objection, vehemently opposing the application. The prosecution contends that the offense is of an exceptionally serious nature, involving the theft of natural resources. It is argued that the vehicle was an essential instrument in the commission of the crime and that the investigation is still ongoing. The prosecution strongly apprehends that if the vehicle is released, the applicant may mortgage or destroy it, and there is a high probability that the vehicle will be utilized to commit similar offenses repeatedly.

05. 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) *Verified copy of Certificate of Registration of vehicle.*
- b) *Photo copy of Insurance cum Policy Schedule.*
- c) *Copy of Special Power of attorney.*
- d) *Photo copy of F. I. R.*

06. 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.

07. On perusal of the record, specifically the Vehicle Registration Certificate it is crystalline that the applicant, **Chaitanya Khemdas Solanke**, is the legally registered owner of the Tata Tipper bearing No. **MH-27-BX-6100**. The applicant has lawfully executed a Special Power of Attorney authorizing **Satish Purushottam Bhoyar** to act, plead, and execute bonds on his behalf. Thus, the locus standi of the applicant to claim interim custody under Section 503(1) of the BNSS is unequivocally established.

08. The Hon'ble Supreme Court of India, in **Sunderbhai Ambalal Desai V/s State Of Gujarat, AIR 2003 SC 638**, has categorically laid down that keeping seized vehicles parked at police stations for extended periods serves no fruitful investigative purpose. Vehicles kept in open spaces are prone to rapid deterioration, rusting, and mechanical failure, rendering them utterly useless and resulting in an unjustifiable loss of national wealth. The evidentiary requirement of the prosecution to prove the vehicle's involvement at the crime scene can be adequately and legally safeguarded by drawing a detailed panchnama and securing high-resolution photographs of the vehicle before its release.

09. The anticipatory fear of the vehicle being used in future crimes must be mitigated by imposing exceptionally stringent conditions, including an explicit undertaking by the applicant. Any breach of such an undertaking will result in the immediate cancellation

of this interim order, the re-seizure of the vehicle, and the forfeiture of the surety bond.

10. Furthermore, the seizure of the vehicle concurrently invokes the stringent provisions of the Maharashtra Land Revenue Code. It is a well-settled position of law that the Judicial Magistrate is fully empowered to grant interim custody of the vehicle under the procedural code (now BNSS) independently of the executive powers of confiscation under Section 48(8) of the MLRC. However, this judicial release must be strictly without prejudice to any independent penalty or confiscation proceedings that the Revenue Authorities may legally initiate.

11. Balancing the fundamental rights of the registered owner to protect his property against severe depreciation, and the duty of the Court to ensure the property is available for trial and eventual confiscation, I find it just, proper, and expedient in the interest of justice to grant interim custody of the vehicle to the applicant, subject to strict and heavy conditions. 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. Tata Motors Company Tipper vehicle bearing registration no. **MH-27-BX-6100**, Chassis No. **MAT373172D1H10418** and Engine No. **697TC69HWY112617** seized in Crime no. 152/2026 registered at Police Station, Wadki, Tal. Ralegaon, Dist. Yavatmal to the applicant to the applicant (through his constituted attorney **Satish Purushottam Bhoyar**) still 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 shall take clear, high-resolution color photographs of the vehicle from all angles, clearly capturing the

registration number, chassis number, and engine number. These photographs, along with the Panchnama, shall be countersigned by the applicant's attorney and the Investigating Officer, and shall be submitted to the Court to be kept on record as secondary evidence during the trial. The cost of these photographs shall be borne entirely by the applicant.

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 : 23/04/2026.

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