

MHYA210007962026



ORDER BELOW EXH.01 IN OMCA No.77/2026
Sadashiv Pochiram Durgekar Vs. Maharashtra State
Through Police Station, Wani.

1. The present application is filed to release the vehicle i.e. Vespa moped bearing Reg.No.MH-29-BM-1197 seized in Crime No.284/2026, under Section 12(a) of the Maharashtra Gambling Act and Section 49 of the Bharatiya Nyaya Sanhita, 2023 by P.S.O., Wani.
2. Perused the application, say of I.O., and say of Ld. A.P.P. The applicant contended that, he is owner of the seized moped. The seized moped is essential for his daily use. The seized moped is lying in the Police Station, Wani without any use. If, the seized moped be kept lying in Police Station, it can affect its spare parts. The Investigation Officer has completed investigation of the present crime. The applicant is ready to abide conditions, if any imposed the Court. Lastly, he prayed to allow the application.
3. The Ld. Spl.A.P.P. filed say and opposed the application. He contended that, if the seized moped is released on suprutnama, the applicant may use it for commission of similar kind of offence. Lastly, he prayed for rejection of application. On the contrary, the investigation officer filed say at Exh.05 and submitted that, the seized moped is important evidence of crime. The applicant has not provided documents of seized moped. Lastly, he prayed to reject the application.

4. Heard, Ld. Advocate for the applicant and Ld.A.PP for the State. They submitted as per contentions of application and reply. The applicant filed verified copies of particulars of seized moped, Aadhar Card, online copy of Insurance Certificate, xerox copy of F.I.R and online copy of Insurance Certificate. On perusal of documents, it appears that the applicant is owner of seized moped. Further, no one, except the applicant, claimed the custody of seized moped. The seized moped is lying in the police station without any use. Moreover, the seized moped is not required for investigation purpose. Furthermore, the question of using of seized moped in commission of offence can be decided at the end of trial. Further, the trial may take its own time. Therefore, till the completion of trial, it is not desirable to keep the moped in Police Station, Wani. Thus, considering the guidelines and directions issued by the Honorable Supreme Court, the case of *Sundarbhai Vs. State of Gujrat*, reported in 2002 Supp(3) SCR 39, the applicant is entitled for interim custody of the seized moped. Hence, considering the above findings, I pass the following order;

ORDER

1. The application is allowed.
2. Police Station Officer, Wani, is directed to hand over the interim custody of seized Vespa moped bearing Reg. No. MH-29-BM-1197 seized in Crime No.284/2026, to applicant **Sadashiv Pochiram Durgekar** after executing indemnity bond of Rs.80,000/-(Rupees Eighty Thousand only), subject to following conditions.
 - I. **The applicant shall produce the original documents at the time of executing indemnity bond before the Court.**

- II. The applicant shall not to create third party interest in seized moped either by way of sale, mortgage etc. or change its nature.
- III. The applicant shall produce seized moped as and when directed by this Court.
3. The Investigation Officer is directed to prepare detail panchanama and shall take photographs of the seized moped at the cost of the applicant before handing over it to the applicant.
4. **The applicant shall not use seized moped in commission of any offence.**
5. Case papers of the proceeding be tagged with the charge-sheet of the present crime.
6. The proceeding is disposed of, accordingly.

Date :29/06/2026.
Place: Wani

(Shahaji D. Bhosale)
Judicial Magistrate (First Class),
Court No.1, Wani.

I, Abhay Pramod Bhoyar, Stenographer of (Jt.Civil Judge (Jr.Dn.) & J.M.F.C. Wani) affirm that, the contents of this PDF are same words for words, as per the original order.