

IN THE COURT OF METROPOLITAN MAGISTRATE,
32ND COURT, BANDRA, MUMBAI.

Notice No. 861/N/2018.
C.R. No. 62/2018.
Excise 'T' Division

Ajay Darshanlal Kapoor

... Applicant

V/s.

**Sr. Inspector of Police,
(Excise 'T' Division)**

...Respondent.

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY
VIZ. THREE WHEELER TEMPO

By this application the applicant **Ajay Darshanlal Kapoor**, is seeking return of tempo, bearing registration No. MH-03-AH-4577 as quoted in the application, being registered owner for the same. It is further submitted that, the said tempo was seized by Excise 'T' Division, as alleged. He is ready to produce the said property whenever required till final disposal of case. The application is supported by various documents such as copies of Registration Certificate, insurance certificate, PAN card and affidavit of applicant.

2. Accordingly say of Investigation Officer and APP was called. Investigating officer has strongly opposed said application on the ground that said vehicle may be used in similar type of offence and certain conditions quoted by the Hon'ble High Court, Mumbai, Aurangabad Bench, in Cri. Revision Application No. 670, 671/2002 and 1096/2002 dated 17.08.2002 may be imposed. Whereas, APP has failed to file his say. Whereas, APP has failed to file his say.

3. Heard argument, perused the record.

4. Considering the reasons mentioned in application supported by documents, it is evident that, the aforementioned tempo may be temporarily released in favor of the applicant, being entitled for the same. The insurance certificate shows value of tempo Rs. 50,000/-. Thus, the amount shown in insurance has to be considered as the current amount for directing bank guarantee. Hence, upon imposing certain conditions the said rickshaw may be released in favor of applicant. Hence, the following order :-

ORDER

- 1 The seized tempo, bearing registration No. MH-03-AH-4577 be released in favor of applicant viz. **Ajay Darshanlal Kapoor** on his furnishing indemnity bond of ₹. 25,000/- and bank guarantee of Rs. 25,000/-.
- 2 He shall produce the said tempo as and when required by the Court.
- 3 Investigation Officer shall obtain photographs of seized vehicle from all angles for its proper identification in future and prepared panchanama, which shall be the part of charge-sheet. The photographs and panchanama shall be countersigned by the applicant/accused.
- 4 Copy to the concerned Excise Division for compliance of this order.

Date : 27.11.2018
ssl.

(Sudhir N. Shinde)
Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.

