

(1)

Misc.Cri.Appl.179/2026
(Exh.01)

MHAM060016832026



Misc.Cri.Appl. No. 179/2026
Shaukatshah v/s P. S. Paratwada
(Passed on 10th August, 2026)

Order Passed Below Exh.01

1. This is an application filed by applicant under Section 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property.
2. The applicant has contended that, he is the owner and possessor of the seized muddemal i.e. vehicle Splendor plus bearing No. MH-27-AJ-9195, Chassis No.MBLHA10EE9HM61480, Engine No.HA10EA9HMC0374. The said vehicle is seized by Paratwada police station in C.R.338/2026. The applicant has contended that, if the said vehicle remains idle in the custody of police in police station then there is possibility of causing damage to said vehicle due to non-use. The applicant further contended that, the said vehicle is required for his for daily use. Therefore, he has prayed that seized vehicle be released in interim custody on bond by imposing some conditions.
3. Learned APP has also submitted by way of his say if custody of alleged vehicle is hand over to applicant then accused may use alleged vehicle for same kind of offences or may create third party interest. So, he prayed for rejection of this application. Concerned I.O. submitted if the custody of alleged vehicle is hand over to applicant then he may use alleged vehicle for same kind of offences. Further, he submitted that accused has not produced alleged vehicle whenever it required. He further submitted that, he may change the nature of the vehicle or sell the alleged vehicle. Hence, prayed to reject the

application.

4. I have perused application and record and say. On perusal of record, it reveals that, applicant has filed copy of Adhar Card at Exh. 3/4 of applicant and copy of R.C. Book at Exh. 3/2. Upon perusal of document at Exh.3/4 and 3/2 it reveals that, name of applicant is mentioned in vehicle R.C. Book as a owner. However, according to F.I.R. there is no case that the seized vehicle is required for investigation. Applicant also shows his willingness to follow all the condition if any, imposed by court. During trial the fact of seizure of said vehicle can be proved by proving seizure panchanama of the said vehicle.

5. The purpose behind exercise of the Section 451 and 457 of The Code of Criminal Procedure 1973 i.e. 497, 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 is to see that the vehicle is not kept un-attended while lying in the court premises or police station, so that it does not become junk day by day. Moreover, Hon'ble Apex Court in the landmark case of **Sunderbhai Ambalal Desai Vs. State of Gujarat, reported in 2002 (10) SCC 283**, directed to the Magistrates that, ***the vehicles lying at police station having no use there to be released expeditiously as possible***. In the instant case the evidence is sufficient to hold that the applicant is entitled for the possession of the said vehicle. Therefore, there is no need to keep vehicle in the custody of the police. Moreover, applicant is ready to obey all conditions which imposed by court. Therefore, certain conditions needs to be imposed upon applicant while releasing said vehicle to avoid possibilities of using said vehicle for another offence. Hence, I pass the following order:

(3)

Misc.Cri.Appl.179/2026
(Exh.01)

ORDER

- a) The application is allowed.
- b) The seized vehicle, Splendor plus bearing No. MH-27-AJ-9195, Chassis No. MBLHA10EE9HM61480, Engine No. HA10EA9HMC0374 be released in interim custody of the applicant on Supurtnama of applicant by executing bond of ₹1,00,000/- (Rupees One Lacs only).
- c) The applicant is directed not to change the nature of said vehicle in question, not to alienate it by any mode of transfer till the final decision of the case and shall produce vehicle in question, as and when directed by the court.
- d) The applicant shall not use the said vehicle for commission of any crime.
- e) The record and proceeding shows the present application be kept along with the original case of C.R. No.338/2026 of Paratwada Police Station, Tq. Achalpur, Dist. Amravati.
- f) Investigation Officer in C.R.No.338/2026 of Paratwada Police Station, Tq. Achalpur, Dist. Amravati is directed to prepare detailed handing over Panchanama of said vehicle and collect two photographs which show the number plate, chassis number and engine number of the vehicle in question from applicant.
- g) Issue yadi accordingly.

Date :10/08/2026.
Place: Achalpur.

(C.S. Deshpande)
Judicial Magistrate F.C.,
(Court No.2), Achalpur.

(4)

Misc.Cri.Appl.179/2026
(Exh.01)

C E R T I F I C A T E : -

I affirm that the contents of this P.D.F file, order are same word to word, as per the original Order.

Name of Stenographer	:-	Avantika P. Lambade
Court Name	:-	Shri. C.S.Deshpande, 2 nd Jt. Civil Judge (J.D.) and J.M.F.C., Achalpur
Date of decision	:-	10.08.2026
Judgment signed by PO. on	:-	10.08.2026
Judgment uploaded on	:-	10.08.2026