



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.

OTHER MISC. CRIMINAL APPLICATION NO.59/2022.

JITENDRA TIMANDE THROUGH POA KAILASH TIMANDE VS.
STATE OF MAH.
(CNR NO.MHGO010014212022)

ORDER BELOW EXH.1.

(Passed on 9th January, 2023)

The applicant **Jitendra S/o Pramod Timand through his Power of Attorney Holder Kailash S/o Vinayak Timande** prays for interim custody of four wheeler Mahindra Scorpio, Registration No.MH-44-G-1105, Engine No.GMD4K87122, Chassis No.MA1TA2GMKD2K46994 in Crime No.179/2022 of Navegaonbandh Police Station.

2] The Learned PP raised an objection to grant the custody of four wheeler by filing say at Exh.5.

3] Investigating Officer filed say at Exh.6 and opposed the application by mentioning that there were physical relations between accused No.1 and victim in a Scorpio vehicle and same Scorpio vehicle was used in an offence.

4] I have gone through the charge-sheet, contents of complaint, supplementary statement of victim and statement of victim recorded under Section 164 of the Code of Criminal

Procedure. Neither complaint dated 07/09/2022, supplementary statement of victim dated 08/09/2022 nor statement of victim under Section 164 of the Code of Criminal Procedure dated 13/09/2022 discloses that accused No.1 made physical relations with victim in a Scorpio vehicle. From the record, it reveals that, the alleged physical relations between accused No.1 and victim had been taken place at Yatartha Hotel, Navegaonbandh and not in a Scorpio vehicle. Hence, the say of Investigating Officer to that effect is misleading and not as per the record.

5] From the record, it reveals that, accused No.1 is registered owner of vehicle. Prior to one month of seizure of vehicle, he has executed power of attorney in favour of Kailash Vinayak Timande.

6] From the record, it reveals that, on 11/09/2022, vehicle is seized under seizure panchnama and since 11/09/2022, vehicle is lying in Police Station without its use. Now, charge-sheet has been submitted. Prima-facie I don't think that further detention of vehicle is necessary. If the vehicle remains idle in the Police Station, it would reduce to junk. If any four wheeler is remained in unused condition, there is every possibility that its engine may be damaged. Considering these all aspects, interim custody of vehicle be handed over to Power of Attorney Holder on behalf of accused No.1 (Registered Owner) on executing indemnity bond of Rs.10,00,000/- with certain conditions. With this, the application deserves to be allowed. Resultantly, I am inclined to pass the following order.

ORDER

- 1) The application is allowed.
- 2) An interim custody of four wheeler Mahindra Scorpio, Registration No.MH-44-G-1105, Engine No.GMD4K87122, Chassis No. MA1TA2GMKD2K46994 in Crime No.179/2022 of Navegaonbandh Police Station, be handed over to Power of Attorney Holder Kailash S/o Vinayak Timande, resident of Navegaonbandh, Taluka Arjuni-Morgaon, District Gondia on behalf of accused No.1, on executing his indemnity bond of Rs.10,00,000/- (Rs. Ten Lakh only) with certain conditions on due identification.
- 3) He shall not sell or dispose of or change the nature of four wheeler until the finality of trial.
- 4) He shall produce four wheeler as and when directed by the Court.
- 5) Any breach of condition would entail an action against the accused No.1 and his Power of Attorney Holder.
- 6) Copy of order be sent to concerned Police Station.

Date:09.01.2023.

(N. D. Khose)
Addl. Sessions Judge, Gondia.