

IN THE COURT OF SESSIONS AT PUNE

(Presided over by Shri. Uttam M. Mudholkar)

(Additional Sessions Judge)

Spl. (ACB) Case No. 917/2024

(Crime No. 306/2024)

Dheeraj Ashok Shukla

Age 38 yrs., Occp. - Business

R/o. Flat No. 9, Goodwill Enclave,

Lane No. 13, Opp. Ganraj Residency,

Tingrenagar, Pune - 411 032

...Applicant

V/s.

State of Maharashtra

through P.S.O., P.S. Yerwada,

District – Pune

...Respondent

Ld. Adv. Ashish Tambe for the applicant

Ld. Spl. P. P. Shri. Shishir Hiray for the State/Respondent

Oral ORDER below Application (Exh. 20) u/Sec. 457 of IPC

(Passed on 15.01.2025)

1. By the present application, the applicant has applied for return of his vehicle Hyundai Creta car bearing No. MH-12/PT-7770 having Chasis No. MALC381UMHM333417, Engine No. D4FVGN462223, colour - phantom black, which came to be seized in connection with C.R. No. 306/2024 for the offences under Sections 304, 304(a), 279, 338, 337, 427, 120(B), 201, 213, 214, 466, 467, 468, 471 of the Indian Penal Code, under Sections 7, 7(A), 13 of Prevention of Corruption Act and under Sections 184, 185, 119/177 of Motor Vehicles Act registered at Yerwada Police Station of Pune district.

2. It is contended that accused No. 7 Ashpak Basha Makandar, who is the friend of applicant was arrested in the present crime and the above four wheeler was seized. The applicant is not the accused and he requires his four wheeler for his day to day use. No purpose is going to be served by keeping the four wheeler in the custody of Police Station. He is the authorized owner of the four wheeler and as such, entitles for interim custody. On these grounds, it is prayed that the above-mentioned seized four wheeler in the present case be returned to him by putting necessary conditions.

3. Investigating Officer ACP Shri. Ganesh Ingale of Crime Branch, Unit - 1, Pune filed reply below Exh. 27 and Exh. 60 resisted the application on the ground that the applicant never contacted the police station with the proper documents to show his ownership over the car. The said car has been used by the accused for fleeing away after commission of the crime. It is necessary to investigate why the applicant had handed over his car to the accused Makandar and as such prayed for rejection of the application.

4. Heard Adv. Shri. Ashish Tambe for applicant & Learned Spl. P. P. Shri Shishir Hiray for the respondent-State and submissions of both sides were nothing but replica of the contents of the application and reply. I have carefully gone through the record and submissions.

5. The perusal of the record would demonstrate that the accused Makandar was arrested in the above referred crime and

the vehicle of the applicant, which is subject matter of the present application was also seized. The copy of RC Book of the car and Aadhar card have been placed on record by the applicant and it goes to show that the car in question is registered as a registered owner in his name. The respondent also does not seriously dispute the ownership of the applicant towards the vehicle. Admittedly, the car came to be seized by the investigation officer in connection with the said crime. The final decision of the matter on merit may take sufficient time. Meanwhile, if the vehicle is not returned by way of interim custody to the applicant, then it may sustain damage due to non-use and will cause financial loss to the applicant. Having regard to the total circumstances of the case, it appears to this Court that simply because the four wheeler is involved in the case of Anti Corruption the prayer for interim custody of the vehicle cannot be rejected. Even otherwise, no purpose of any nature is going to be served by retaining custody of the two wheeler with the investigation agency. No prejudice will be caused either to the investigation agency or prosecution, if the application is allowed and his vehicle Hyundai Creta car bearing No. MH-12/PT-7770 is returned to the applicant for temporary period. Therefore, the application deserves to be allowed, conditionally in the following terms:

ORDER

- 1] Application is hereby allowed as under:
- 2] The authority of Yerwada Police Station / Crime Branch (Unit - 1), Pune is directed to hand over interim custody of the vehicle Hyundai Creta car bearing No. MH-12/PT-7770 having

Chasis No. MALC381UMHM333417, Engine No. D4FVGN462223, colour - phantom black, to the applicant **Dheeraj Ashok Shukla** under the execution of *supurtnama* bond to the tune of Rs. 8,00,000/- (Rs. Eight Lakhs Only) by the applicant and by preparing necessary panchanama and obtaining required acknowledgment from him and taking colour photographs of the same at the cost of applicant.

3] The applicant shall not create third party interest in any way in respect of the said vehicle Hyundai Creta car bearing No. MH-12/PT-7770 and shall produce the same in the Court particularly at the time of trial and as & when required by this Court and shall not use the same for any illegal activity.

4] Application stands disposed of accordingly.

Date : 15.01.2025

Additional Sessions Judge,
Pune

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	Smt. S. S. Phadke Stenographer Grade I
Name of Court	Shri. U. M. Mudholkar, District Judge 4 and ASJ, Pune.
Date of Order	15.01.2025
Order signed by PO	16.01.2025
on	
Order uploaded on	16.01.2025