

MHSO200011832026 	<u>C.R.M.A.No.165/2026</u> <u>Swapnil Todkar Vs. State of Maharashtra</u>
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ORDER BELOW EXH.1

1) This application is filed by the applicant Swapnil Dattatray Todkar U/Sec. 503 of the BNSS, 2023.

2) As per application the Police Station, Sangola has seized his Tata Motors Ltd. Companies LPT 1613 registered bearing No. MH-10-Z-2963 & Chassis No. MAT373177B1D11141 from custody of the accused in C.R. No. 543/2026 registered for the offence punishable u/Sec. 303(2), 305(e), 3(5) of the Bharatiya Nyaya Sanhita, 2023. He purchased said vehicle from the original owner namely Balasaheb Mahadev Chormule on 19/05/2026. From the date of purchased vehicle is in possession of the applicant. If the vehicle remains idle in the custody of police station, then there is possibility of causing damage to its parts and of causing economical loss. Vehicle is necessary for his regular use. Therefore, the applicant has filed present application for the interim custody of the above said vehicle.

3) The description of the vehicle is as under:

Model : 2011

Registration No. : MH-10-Z-2963

Chassis No. : MAT373177B1D11141

Engine No. : 697TC69DYY110560

4) The learned APP filed his say at Exh. 07 and stated that, Vehicle is seized in commission of offence punishable U/Sec. 303(2), 305(e) of BNS. If seized vehicle is released, there is possibility of change in nature of vehicle. Investigation is at primary stage. It might be an important evidence of the prosecution. Hence, prayed for rejection of the application.

5) Investigation Officer filed his say at Exh. 06 and stated that, Offence is serious in nature. Is is about illegal transportation of sand theft. If vehicle be released there is possibility of commission of similar kind of offence again. Lastly prayed for rejection of application.

6) Heard Ld. Advocate for the applicant and Ld. APP for the prosecution. Perused application, documents filed in support of it and say thereon filed by the Ld. APP and Investigating Officer.

7) On perusal of entire record it reveals that, the applicant has produced verified copy of Aadhar Card of the applicant, verified copy of R.C.Book, notarized documents of the vehicle & copy of FIR. The documents produced on record shows that, the applicant is owner and possessor of said seized vehicle. Also, it is submitted by the applicant that, he is ready to abide all conditions imposed by this Court. Applicant has relied upon the citation of Hon'ble Bombay High Court In ***Amol s/o. Ramhari Waje v/s. The state of Mah. 2019 All MR (Cri.) 719***,

8) In view of Law laid down by Hon'ble Bombay High Court In ***Amol s/o. Ramhari Waje v/s. The state of Mah. 2019 All MR (Cri.) 719***, wherein Hon'ble Bombay High Court held that, “though it is true that the Executive Magistrate does have powers

under sec.48 of the Maharashtra Land Revenue Code as well as sec. 21 of the Mines and Minerals Act inter-alia to proceed against the vehicle. However, simultaneously the vehicle is also a property involved in the present crime which is for the offence punishable under section 379 of the I.P.C. Simpliciter consequently, by virtue of sec.457 of Cr.P.C. it is only the Order regarding interim custody of the vehicle. By no stretch of imagination can such jurisdiction be said to have been ousted, albeit. Simultaneously, the Executive Magistrate may have his own rights and powers to proceed under the provision of those two enactments.”

9) Considering facts of the matter, no purpose would be served by keeping vehicle in unattended condition at Police Station. If vehicle remains idle at Police Station, then there is possibility of getting it damaged. So there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujarat*, there is no use to keep seized properties at Police Station for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. In the result, following order is passed,

ORDER

- 1) The Cri. Misc. Application No. 165/2026 is hereby allowed.
- 2) Police Inspector, Police Station, Sangola is hereby ordered that, after due verification of identity of the applicant namely Swapnil Dattatray Todkar to

handover interim custody of vehicle i.e. Tata Motors Ltd. Companies LPT 1613 registered bearing No. MH-10-Z-2963 & Chassis No. MAT373177B1D11141 & Engine No. 697TC69DYY110560 be given to him on his executing indemnity bond of Rs. 8,00,000/- (Rs. Eight Lacks only) subject to following conditions ;

- i) He shall not sell, transfer or create third party interest upon the vehicle without prior permission of this Court.
 - ii) He shall not change the colour and nature of the vehicle.
 - iii) He shall produce the said vehicle as and when ordered by the Court.
 - iv) He shall produce photographs of the said vehicle from all angle and a detail panchnama should be prepared before vehicle release.
- 3) Inform Police Station, Sangola accordingly.
 - 4) Application is disposed off accordingly.

(Smt. A. A. Patil)

Date - 04/08/2026

Judicial Magistrate, F. C., Sangola

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

(a)	Name of the Stenographer	:-	S.S.Kolekar
(b)	Court	:-	2 nd Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Sangola.
(c)	Judgment/Order signed by PO on	:-	04/08/2026
(d)	Judgment/Order uploaded on	:-	04/08/2026