

**ORDER BELOW EXHIBIT .NO. 01**

The applicant has filed the application for the release of tractor bearing No. MH-56-A-2616 & red color trolley under the provision of section 503 of the Criminal Procedure Code.

02. In short, the case of the applicant is that, he is the owner of MH-56-A-2616 & red color trolley . The applicant has submitted that, he uses said tractor & trolley for his work. Thus, his livelihood is depended on income of said tractor & trolley. He has submitted that, his tractor & trolley was stolen by unknown person there fore he lodged the complainant of theft in Pimpalgaon Raja Police Station. Accordingly, police of Pimpalgaon Raja Police Station has seized his tractor &

trolley in C.R. No.42/2026 punishable under section 303(2) of the B.N.S. Therefore, he has filed this application and prayed that, necessary direction be given to the Pimpalgaon Raja Police Station for the release of his tractor & trolley.

03. The Investigating Officer has filed say which is at Exhibit. No. 05. He has submitted that, he has seized said tractor & trolley in C. R. No. 42/2026 under 303(2) of the B.N.S. He has taken no objection to release said tractor & trolley in favor of the applicant. The prosecution has filed her say and she has submitted that ,said tractor & trolley should not be released in favor of the applicant.

04. The following points arise for my determination and I record my findings for the reasons to follow.

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does the applicant prove that, he is the owner of seized MH-56-A-2616 & red color trolley?	Yes
2.	Is the applicant entitled for the possession of MH-56-A-2616 & red color trolley? If yes, on what conditions ?	Yes As per final order.
3.	What order ?	The applicatio n is allowed.

REASONS

05. The applicant has relied on verified copy of registration of said tractor which is at Exhibit. no.09 and original copy of purchase receipt of trolley which is at Exhibit no. No.08, verified copy of verified Adhar Card of applicant which is at Exhibit. No.10. The applicant has closed his evidence by filing evidence close pursis which is at exhibit no.11 and filed pursis for argument which is at Exhibit. no.12.

As to Point No. 1 :-

06. I have perused verified copy of registration of said tractor which is at Exhibit. no.09 and original copy of purchase receipt of trolley which is at Exhibit no. No.08. It show that the applicant is the owner of said tractor & trolley. Therefore, I hold that the applicant is entitled to recover the custody of the said tractor & trolley.Hence, I answer point no.1 in affirmative.

As to Point No. 2:

07. It has come on the record that, the applicant is the owner of tractor & trolley. The Investigating Officer has seized said tractor & trolley in C.R. No. 42/2026. Therefore, from the above discussion, I hold that the release of said tractor & trolley would not hamper the fair trial, if it is released on supratnama and same be given to the applicant for its temporary

custody on certain conditions. Hence, I answer point no. 2 in affirmative.

08. Accordingly, I pass the following order.

ORDER

- (1) The application is allowed.
- (2) The MH-56-A-2616 & red color trolley which is seized by Pimpalgaon Raja Police Station in C.R. No.42/2026 be handed over to the temporary custody of the applicant on its executing bond of Rs.50,000/-(Fifty Thousand Rupees only), on condition that, he shall keep its identity as it is and also he should not transfer said tractor & trolley in any way to third person. He is also directed to produce said tractor & trolley before the court as and when required by the court.

(3) Breach of above conditions shall have an effect of forfeiture of bond amount to the government.

(4) Bond before I.O.

(5) I.O. is directed to produce the bond in the Court along with charge sheet.

Place : Khamgaon.

Date : 23/03/2026

(F.T.Shaikh)

**Jt.Judicial Magistrate First Class
Khamgaon, Dist.Buldhana.**