

MHPU250027352022

Cri. Misc. Appln. 610/2022
(Passed On 17.11.2022)



This is an application for interim custody of seized vehicle Maruti Suzuki, Model No. Swift DZIRE LXI BS 4 having Registration No. MH 03, AW 1446, Chassis No. MA3ESKD1S00246700 and Engine No. K12MN1026538 on *supurtnama*.

2. It is contended that, the applicant is the owner of seized vehicle Maruti Suzuki having Registration No. MH 03, AW 1446, Chassis No. MA3ESKD1S00246700 and Engine No. K12MN1026538. The said vehicle was seized by the PSO, Otur in connection with Crime No. 427/2022 for offence punishable under Section 395 of the Indian Penal Code. Trial of the offence is yet to commence. The said vehicle is lying in open premises of the police station, therefore, it is likely to be rusted irreparably if, the same is allowed to remain over there for indefinite period. The applicant needs the said vehicle for carrying on his business. The applicant is ready to abide by the conditions which will be imposed by the Court while releasing it in his favour. Hence, it is prayed that, the applicant may be granted custody of the said vehicle on *supratnama*.

3. Say of the Ld. APP and the I. O. was called.

4. The Ld. APP and the investigating Officer submitted that, the accused has used the above mentioned vehicle in the commission of crime. If, the applicant is handed over the custody of the said vehicle, he may change it's nature. The seized vehicle is an important evidence. The offence is serious in nature. If the applicant is given custody of the said vehicle, possibility of it being used in commission of similar offences can not be ruled out. Hence, it is

prayed that, the application be rejected. It is contended by investigating Officer that, the vehicle can be returned to the applicant by imposing appropriate conditions.

5. Heard. Perused.

6. The applicant has placed on record verified copy of Registration Book, copy of Aadhar Card of the applicant and Copy of FIR. The applicant has also placed on record his affidavit vide Exh. 4. Say of the investigating officer indicates that, Maruti Suzuki, Model No. DZIRE LXI BS 4 having Registration No. MH 03, AW 1446, Chassis No. MA3ESKD1S00246700 and Engine No. K12MN1026538 was seized in connection with Crime No. 427/2022. The copy of registration book reveals that, the said vehicle stands in the name of the applicant. If, the vehicle remains in the premises of the police station, there is likelihood of it being damaged and losing it's worth. The applicant needs the said vehicle for carrying on his day to day business. So far as the apprehension of the Ld. APP is concerned, the same can be taken care of by imposing certain conditions. In the result, I pass following order-

ORDER

1. The application is allowed.
2. PSO Otur Police Station, Taluka - Junnar District - Pune is directed to hand over seized vehicle i.e. Maruti Suzuki , Model No. DZIRE LXI BS 4 having Registration No. MH 03, AW 1446, Chassis No. MA3ESKD1S00246700 and Engine No. K12MN1026538 seized in connection with Crime No. 427/2022 to the applicant **Sunil Mohandas Budhwani** resident of Ulhasnagar 1, Barek no. 180, Tal. Ulhasnagar Dist. Thane on his due identification.
3. The applicant is directed to furnish indemnity bond of Rs. 1, 50,000/- (Rupees One lac Fifty thousand only) before the Court.
4. The applicant shall not change color and nature of the vehicle so also, the applicant shall not sell, alienate or dispose of the vehicle till final decision of the case.

5. The applicant is directed to produce the vehicle as and when ordered and required by the Court.
6. The investigating Officer is directed to take appropriate photographs of the above said vehicle and also prepare detailed panchanama while handing over the vehicle to the applicant and submit it to this Court.
7. The concerned Clerk is directed to attach one copy of this order and *supratnama* bond with charge-sheet in Crime No. 427/2022 for offences punishable under Section 395 of the Indian Penal Code.

Sd/
(Pracheta K. Rathod)
Judicial Magistrate F.C., Junnar.

Dated: 17.11.2022.

Certificate

I affirm that contents of this PDF file of this judgment are same and word for word as per original judgment.

Name of Steno : Swati C. Nichale (Grade III)

Name of the Court : Pracheta K. Rathod

Date of decision : 17.11.2022.

Judgment signed by presiding officer on : 17.11.2022.

judgment uploaded on : 18.11.2022.