

ORDER BELOW EXHIBIT 1 IN CRI. M. A. NO. 91/2019

This is an application under section 457 of the Code of Criminal Procedure [for short 'the Cr.P.C'] in C. R. No. 134/2019 registered with Manchar police station under section 379 read with 34 of the IPC.

[2] It is contended by the applicant that he is the owner of Heavy Goods Vehicle, LPT Truck bearing registration No- MH 14 EM 3636. The said vehicle was seized by Manchar police in Cr. No. 134/2019 during investigation. The applicant uses the said vehicle for personal use. The applicant is in need of the seized vehicle for daily use. No purpose will be served by keeping it either in the custody of police or Court. The applicant is ready to abide with all conditions.

[3] The IO has no objection to handover the custody of the vehicle to the applicant on conditions. The APP has strongly resisted the application by filing his say. It is his contention that the vehicle will be required during trial for evidence and that the applicant may alienate the said vehicle.

[4] The applicant filed the following documents :-

- a) A verified copy of Goods carriage permit.
- b) A copy of Adhar Card of the applicant.

[5] Having considered the issue, it is evident from the documents produced on record that the applicant is the owner of the seized vehicle. The applicant filed an affidavit in support of his application. In the present proceeding paramount consideration is to be given to the well being of the seized vehicle. If the vehicle is kept lying at the police station, the possibility of it getting damaged cannot be ruled out. Moreover, the

custody of the applicant, if granted, will be temporary and on conditions.

[6] Therefore, in the result, application is liable to be allowed.
Hence, the order-

ORDER

1] The application is allowed on following conditions-

- a) The applicant shall undertake to produce the seized vehicle as and when directed by the court.
- b) The applicant shall undertake not to change the nature or alienate the vehicle without the prior permission of the Court.

2] The applicant shall execute a supratnama bond before me binding him to comply with the above conditions and in default to forfeit an amount of ₹ 25,00,000/- (Twenty Five lakhs only).

3] Upon execution of the above bond before me, the investigating officer shall **handover the custody of the seized vehicle i.e. Heavy Goods Vehicle, LPT Truck bearing registration No. MH 14 EM 3636** to the applicant after drawing necessary panchanama and obtaining 3 attested colour photographs of the vehicle at the expense of the applicant and send the same to the court.

4] Record and proceedings of this application and the colour photographs and panchanama be tagged with the case that may be filed in concerned crime.

Date : 18/04/2019
Place : Ghodegaon

Bhanupratap Chouhan
Judicial Magistrate First Class