

MHAU010038262026

Special Case No.195/2026.



State of Maharashtra

Versus.

Vishal Vilas Rathod & Ors.

Arjun Goverdhan Chavan - Applicant.

Order Below Exh.9.

1. By filing this application, applicant Arjun Goverdhan Chavan has prayed to return him Hyundai Creta Car No.MH-46 BA-6598 having Chassis No.MALC381UMH212967 and Engine No.D4FBHM259349 on Supurtnama which is seized by P.S. Osmanpura in Crime No.58/2026 registered for offence punishable U/sec. 103(1), 140(1), 140(3), 238, 61(2) of the B.N.S. and Sec. 3(2)(va) of the S.C. & S.T. (P.O.A.) Act, 1989.
2. Read the application and say filed by prosecution as well as by the informant. Heard learned Adv. Shri Gite for the applicant, learned Spl. P.P. Shri K.N. Pawar for the prosecution and learned Adv. Shri Bhagat for the informant. Perused the entire record.
3. Seizure panchanama available in the charge sheet shows that vehicle No. MH-46 BA-6598 described in detailed in opening para of this order is seized by the Investigating Officer being the vehicle allegedly used in commission of offence. Investigation of the crime is already over and the charge sheet is also filed.
4. Learned advocate for the applicant argued that the applicant is the registered owner of the seized vehicle and if the vehicle is left unattended at the police station, it will cause damage to it's machinery hence, it may be returned to the applicant by imposing suitable conditions on supratnama. In support of his argument, learned

advocate for the applicant placed reliance on the law laid down by the Hon'ble Apex Court in a case of **Suderbhai Ambalal Desai vs. State of Gujrat** reported in **AIR 2003 Supreme Court 638**. I have gone through said authority.

5. As against this, learned Spl. P.P. submitted that vehicle is used in commission of serious offence hence, applicant is not entitled for it's custody till conclusion of trial.

6. Learned advocate for the informant submitted that I.O. has recorded statement of the applicant wherein the applicant has stated that seized vehicle is purchased by accused No.1 Vishal in the name of applicant and as such, according to him, contention of the applicant cannot be accepted that applicant is it's registered owner. He argued that blood stains were found available on the seat belt of the seized vehicle which has been seized and it is sent for chemical analysis. He argued that report of C.A. is yet to be received and hence, applicant is not entitled for custody of seized vehicle as material collected by the I.O. shows that it is used in commission of serious crime of committing murder of brother of the informant. He argued that though the applicant is claiming to be the registered owner of the said vehicle, copy of insurance policy shows that it is issued in the name of one Nikhil Vasudeo Soman. He argued that issuance of R.C. book of the said vehicle before two days of the incident in the name of the applicant is a doubtful circumstance and on that count also, custody of the seized vehicle shall not be ordered to be handed over to the applicant till conclusion of the trial. He argued that, there is every likelihood that applicant shall dispose of the vehicle with an intention of destroying material evidence and if he succeeds in doing so, it will cause serious prejudice to the informant and a case of prosecution due to which, application is liable to be rejected.

7. There appears substance in the argument of learned advocate for the informant that vehicle is seized with allegation that it is used in commission of serious offence of murder of brother of the informant however, it cannot be a ground to reject the application. It would be apposite to mention here that in a case of **Suderbhai** cited above on which reliance is placed by learned advocate for the applicant, Hon'ble Apex Court has laid down that whatever be the situation, it is of no use to keep seized vehicles at the Police Station for a long period. In view of the said law laid down by the Hon'ble Apex Court, application cannot be rejected on the ground that it is used in the commission of serious offence.

8. Applicant has placed on record original R.C. book which supports his contention that he is the registered owner thereof. True it is that said vehicle is shown to have seized from accused No.1 Vishal however, said accused has given no objection for allowing the present application. Again, there appears substance in the submission of learned advocate for the informant that applicant gave a statement before the police that said vehicle is purchased in the name of the applicant by accused Vishal however, the fact remains that the authenticate material produced on record by the applicant in the form of R.C. book shows that name of the applicant is registered at the office of R.T.O. as registered owner of the said vehicle and said material would prevail over the statement allegedly given by the applicant before the police.

9. As mentioned above, the R.C. book placed on record by the applicant shows that he is the registered owner of the seized vehicle. The fact that insurance policy of the said vehicle is issued in the name of somebody else is not sufficient to deny the claim of applicant that he is the registered owner of the said vehicle as, his learned advocate

submitted at the bar that insurance policy has been issued in the name of the original owner from whom, applicant has purchased the vehicle. No purpose will serve by detaining the seized vehicle in the police station. It is the contention of the prosecution and the informant that blood stains were found on the seat belt of the seized car. It appears that said seat belt is already sent to the concerned department for analysis. Though the report is awaiting, it is not necessary to detain the vehicle in the police station till receipt of the said report. So far as the anxiety expressed by learned Spl.P.P. and learned advocate for the informant that applicant will destroy the said car is concerned, suitable conditions can be imposed on the applicant while directing release of vehicle in his favour on supurtnama. Thus, holding that applicant is entitled for interim custody of seized vehicle, I pass following order :

ORDER

1. Application Exh.9 is allowed as under :
2. Seized Creta Car No.MH-46 BA-6598 having Chassis No.MALC381UMH212967 and Engine No.D4FBHM259349, which is seized by P.S. Osmanpura in Crime No.58/2026 registered for offence punishable U/sec.103(1),140(1), 140(3), 238, 61(2) of the B.N.S. and Sec.3(2)(va) of the S.C. & S.T. (P.O.A.) Act, 1989, be returned to the applicant **Arjun Goverdhan Chavan** on his executing a Supurtnama in the sum of Rs.8,00,000/- before this Court.
3. Applicant shall produce said vehicle as and when ordered by the Court.
4. Applicant shall not change the identity of said vehicle in any manner.

5. Applicant shall not alienate the ownership of the said vehicle to anybody till final decision of Special Case No.195/2026 pending in this Court.

6. Police Station in-charge of concerned police station shall prepare a panchanama about handing over the custody of seized vehicle to the applicant. Before handing over the custody of seized vehicle to the applicant, Police Station in-charge shall take photographs of said vehicle from all possible angles at the cost of the applicant so as to identify it. Those photographs shall be submitted on record of this Court in the present case.

7. Inform the P.S. concerned accordingly.

Date: 17/06/2026.

(Prashant P. Rajvaidya)
Special Judge [Under SC & ST Act]
Aurangabad.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of the Stenographer	: Rajesh R. Deshpande
Court	: Special Judge (S.C. & S.T. Act), Aurangabad.
Date of Order	: 17/06/2026.
Order signed by PO	: 17/06/2026.
Order uploaded on	: 17/06/2026.