

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (POSSESSION OF MUDDAMAL)
NO. 4106 of 2026**

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MANJUDEVI JAIN W/O PARASMAL JAIN
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR.AMIT R JOSHI(6682) for the Applicant(s) No. 1
P B VELANI(7465) for the Applicant(s) No. 1
NIYANT R BHIMANI(8000) for the Respondent(s) No. 2
MR PRANAV DHAGAT, APP for the Respondent(s) No. 1
RUTVIK H MODI(8236) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 08/07/2026****ORDER**

1. By filing the present petition under Article 226 and 227 of the Constitution of India read with Section 528 of the BNSS, the petitioner has prayed for quashing and setting aside the order passed by learned 4th Additional Sessions Judge, Patan in Criminal Revision Application No.2 of 2026, as well as order passed by learned trial court in the Muddamal Application in Criminal Case No.2631 of 2025.

2. Learned advocate Mr.Amit Joshi appearing for the petitioner submitted that the petitioner is a registered owner of the muddamal vehicle and therefore he had submitted an application before learned trial court claiming possession of the muddamal vehicle pending the trial. The said application was dismissed by learned trial court vide order dated 15.12.2025 and thereafter, the petitioner has approached learned Sessions Court by filing Criminal Revision Application, which was also dismissed vide order dated 29.1.2026. Being aggrieved by both the aforesaid orders, the petitioner had approached this court.

3. He submitted that though the vehicle in question was sold by the petitioner to respondent No.2 herein, prior to registration of the offence, the respondent No.2 has not paid the amount of consideration determined between the parties for sale of the vehicle to him. All the installments for the loan availed from the Finance Company have also been paid by the petitioner. He therefore submitted to allow the petition and quash and set aside the impugned orders in the petition and direct the custody of the muddamal vehicle to be handed over to the petitioner.

4. Learned APP has opposed the application contending that after the petitioner having sold the vehicle to respondent No.2 herein, he has no right, title or interest over the vehicle in question. He submitted that the name of the subsequent purchaser i.e. the respondent No.2, may not have been incorporated in the records of Transport Department, however, that would not by itself entitle the petitioner to claim the custody of the vehicle in question. He therefore submitted to dismiss the petition.

5. Learned advocate Mr.Rutvik Modi appearing for the respondent No.2 herein has also opposed the petition contending that the respondent No.2 had purchased the vehicle in question from the petitioner, prior to registration of the FIR and therefore now he has no right to claim the custody of the said vehicle. He therefore submitted to dismiss the petition.

5. Heard learned advocates for the respective parties and perused the record. From the record it appears that the vehicle in question had been seized by the investigating agency during the course of investigation of the offence punishable under the provisions of Prohibition Act. It is an admitted position that prior to registration of FIR, the petitioner herein

had sold the vehicle in question to respondent No.2. It is sought to be contended on behalf of the petitioner that the petitioner still stands to be a registered owner of the vehicle and the name of the respondent No.2 is not incorporated as a registered owner. It is also contended that after having purchased the vehicle from the petitioner, the respondent No.2 has not paid the amount of consideration to the petitioner.

6. From the material available on record it appears that the vehicle in question has been sold by the petitioner to the respondent No.2 by way of an agreement entered into between the parties. If it is the case of the petitioner that respondent No.2 has not abide by the said agreement and had not paid the amount of consideration, the remedy for him lies elsewhere. Merely because the name of the subsequent purchaser has not been entered into the records of the concerned authorities as a owner, it would not entitle the petitioner for claiming the custody of the vehicle.

7. Having regard to the same, the petition is devoid of any merits and the same is hereby dismissed.

Manshi

(M. R. MENGDEY,J)