

Misc.Cri.App.No.01/2018
Manoj Vs. State.

Order below Exh.01

1. Applicant has filed the present application U/s.457 of the Code of Criminal Procedure seeking supurtanama for the release of seized Soya Oil Empty Tank, weighing 180 K.G., valued Rs.13,695/-.
2. Learned A.P.P. reported formal objection. I.O. reported no objection.
3. Heard both sides.
4. Applicant has come up with the case that, his cotton was seized in C.R.No.235/2017 of Police Station, Nandgaon, Dist.Nashik. Applicant prayed for release of the same, as it is his source of his livelihood.
5. Applicant relied upon copy of documents viz. copy of Bill, copy of F.I.R. (Exh.03), copy of Aadhar Card, copy of Shop Act Licence (Exh.08) and affidavit (Exh.09).
6. Perusal of the aforementioned document shows the ownership of the applicant. Nothing substantial is placed on record to justify further custody of the tank. Thus, considering the submission of applicant, following order is passed :-

ORDER

1. Application is allowed.
2. Applicant shall furnish the indemnity bond of Rs.50,000/- (Rupees Fifty Thousand only) before this court.
3. P. I. of Nandgaon police station, Tal. Nandgaon, Dist. Nashik is hereby directed to hand-over the seized tank to the owner namely Manoj Mannalal Kasliwal, Age 44 yrs., Occ : business, R/o.Nandgaon, Tal.Nandgaon, Dist.Nashik.
4. Applicant is further directed not to alienate, sell, change or dispose-off the above-said tank in any manner, till final decision of above-said crime or case and produce it as and when so ordered by the court or required by I.O., (till filling of charge-sheet).

5. Breach of above conditions shall amount to cancellation of bond.

6. I.O. is directed to take appropriate photographs of above-said tank and also prepare detail panchanama, while handing-over the said tank to the applicant and submit it to this court along-with charge-sheet.

7. Concerned clerk is directed to attach one copy of this order and supurtanama bond with case papers of Crime No.235/2017.

Nandgaon.
Dt.20/02/2018.

(Smt. P.R. Dandekar)
Judicial Magistrate, F.C.,
Nandgaon, Dist.Nashik.