

ORDER PASSED BELOW EXH.NO.1

(Passed on 11th January, 2018)

Applicant Shri. Aabasaheb Gulabrao Pandule has filed the present application for temporarily custody of the vehicle i.e. bearing No. MH-14-F.Z.-6405, Chassis No.881849 and Engine No.3882106. The said property was seized by the police in the Crime No.240/2017 of Wakad Police Station.

2. Say of Ld. APP and I.O. was called. I.O as well as APP have no objection to release the vehicle on certain terms and conditions to the applicant.

3. Heard ld. advocate for the applicant and ld. APP for the State. It is argued by the ld. advocate for the applicant that the applicant is the registered owner of the vehicle. The Wakad Police has seized the said property in the alleged crime. The said property is lying in the police station and it is required to the applicant. If the said property is not returned, it will get damaged. The applicant has filed Copy of F.I.R. and his Adhar Card. The applicant has filed an affidavit in support of his application. Hence, prayed to return the said property.

4. Perused the application, documents and say of Ld. APP for the State. I also perused RC book and other documents. It appears that the applicant is the registered owner of the vehicle. Except the applicant, nobody has claimed the said property. If the said property is kept with the police, it will serve no purpose and the same will get damaged. Considering the observations of the Hon'ble Apex Court in the case of

SUNDERBHAI AMBALAL DESAI V/S STATE OF GUJARAT
reported in IV (2002) CCR 345 (SC), in my considered view, to release the said property on certain terms and conditions, will meet the ends of justice. Resultantly, the following order is passed:-

ORDER

1. Police Officer of Wakad Police Station is directed to return temporarily the vehicle bearing bearing No. MH-14-FZ.-6405, Chassis No.881849 and Engine No.3882106 model 2017 to the applicant on the following terms and conditions :-

- (i) The applicant to execute a bond of Rs.50,000/- for production of the property.
- (ii) The applicant not to change the nature of the said property or not to create any third party interest therein.
- (iii) The applicant shall produce the said property during the trial, if required for identification.
- (iv) The investigation officer to carry out the detailed panchnama of the vehicle by taking photographs of the vehicle as well as chassis and engine number of the said vehicle before handling over its custody to the applicant.
- (v) The bond of the applicant be kept with the charge-sheet.

Date: 11/01/2018.

(A.G.Deshmukh)
Judicial Magistrate First Class,
Pimpri, Pune.

CERTIFICATE

“ I affirm that the contents of this P.D.F. File Judgment are same word for word as per original Judgment.”

Name of Steno : M.P.Ambure
Court Name : Shri. A. G. Deshmukh, 2nd CJJD & JMFC,
Pimpri, Pune.
Date : 11/01/2018
Judgment signed by P. O. on : 11/01/2018
Judgment uploaded on : 11/01/2018