

Order Below Exh 01.

(Passed on 05/04/2018)

1. This application is made by applicant Vishal Vinayak Aagale for the return of property i.e. Hyundai Xcent car bearing registration No.MH-14-GD-3129(Engine No.D3FAHM255461) (Chasis No. MALA741DLH238432). It is contended on behalf of applicant that his vehicle was seized by the police of Revdanda police station. According to him, his four wheeler is lying in the police station and therefore he prayed for return of his four wheeler and further he also agreed to abide by the terms and conditions as per the order of Court.

2. Perused the record, say of the Investigating Officer vide Exh.6 and say of learned APP vide Exh.1. Accordingly, the applicant namely Vishal Vinayak Aagale is claiming the possession of his four wheeler, bearing registration No.MH-14-GD-3129, (Engine No. D3FAHM255461) and (Chasis No. MALA741DLH238432) seized by police of Revdanda police station in the Crime No.100/2017 for the offence punishable under section 379, 411,34 of Indian Penal Code. The applicant is claiming himself as an absolute owner of the said vehicle. Accordingly, he has produced verified copy of registration of car, verified copy of insurance, verified copy of license of four wheeler, xerox copy of fitness certificate of car and verified copy of F.I.R. along with a list of documents vide Exh.04.

3. After perusal of these documents, it is clear that applicant is, prima facie, owner of the above said vehicle. The Investigating officer has raised the objection to return the said vehicle to the applicant on the ground that accused in said crime has used the

aforesaid vehicle in the commission of alleged offence and therefore, possibility of using the said vehicle by the applicant in similar incidence can not be ruled out. The learned A.P.P has also raised the same objection to return the car to the applicant.

4. Therefore, if the matter, in which the above said four wheeler has been seized, ends into conviction then the above said vehicle will have to be confiscated as per the provisions of law. However, at the same time, it cannot be overlooked that if the four wheeler is kept in police station, then there would be every possibility that it would cause damage to the vehicle and in result the applicant would unnecessary suffer heavy loss if the matter would end into acquittal. In such circumstances, it would be proper to handover the seized vehicle to the applicant who is appearing its owner on the certain conditions. In the result, I pass following order.

ORDER

1. The application is allowed.
2. The concerned I.O. of the Revdanda police station is hereby directed to hand over the possession of the Hundai Xcent car, bearing registration No.MH-14-GD3129 (Engine No.D3FAHM255461) and (Chasis No.MALA741DLH238432)) seized in Cr.R.No.100/2017 under section 379, 411, 34 of the Indian Penal Code if not required in any other case or crime to the applicant namely Vishal Vinayak Aagale on the execution of Supurdnama on Bond paper of Rs.200/- consisting following conditions :-

- (1) The applicant shall not alienate or dispose of the above said Hundai Xcent Car four wheeler in any manner till the conclusion of trial and without permission of the Court.

- (2) The applicant shall not change the nature of the above said four wheeler in any manner.
 - (3) The applicant shall produce the above said four wheeler as and when required by this Court.
 - (4) The applicant shall not use the aforesaid vehicle in similar kind of offences as alleged on behalf of State.
3. The applicant shall execute indemnity bond of Rs.6,00,000/- before the concerned police station.
4. The concerned I.O. is directed to prepare detailed panchanama of the seized vehicle before releasing the four wheeler in favour of the applicant and to take its colour photo counter-signed by the applicant. Applicant to bear the cost of photography.
5. Intimate the concerned police station accordingly.

Murud,
Date :- 05/04/2018.

(M.A.Aduke)
Judicial Magistrate, F.C., Murud.