

CRI.M.A. No.99/2023
Satish Vs. R.P.F., Nandurbar
CNR-MHJG110078602023

ORDER BELOW EXH. 01

The present application is moved by applicant under section 457 of Cr.P.C. for return of Max Pick-Up Goods Carrier bearing registration No.MH-29/M-1136. It is contended that, said vehicle is seized by non applicant. If said vehicle lying in R.P.F. station then the irreparable loss would be caused to the applicant. The said vehicle and its parts will be damaged if it is not in use. The applicant is ready to abide conditions if imposed by this Court. Praying that, application may kindly be allowed and non applicant may be directed to release the Max Pick-Up Goods Carrier bearing registration No.MH-29/M-1136.

2. Investigation officer filed say on application at Exh.6 contending that, investigation is completed.

3. Railway prosecutor filed say on application contending that, the inquiry of the case is at initial stage. If vehicle returned to the applicant he may tamper the evidence, the property is required for the prosecution at the trial. Praying that, application may be rejected.

4. Heard Adv. R.M.Yadav for the applicant.

5. Perused the application and say. The offence is registered under Section 160(2) of the Railway Act. The applicant has filed some documents below Exh.4. On the perusal of vehicle particulars it appears that, applicant Satish Vanji Pawar is the owner of said Max Pick-Up Goods Carrier bearing registration No.MH-29/M-1136. Nobody has claimed the vehicle except the applicant. No purpose would be served by keeping said vehicle in RPF station. Hence, in the interest of justice, I proceed to pass the following order :

ORDER

1. The application is allowed as under:
2. The Assistant Sub Inspector, R.P.F., Nandurbar is directed to hand over the Max Pick-Up Goods Carrier bearing registration No.MH-29/M-1136 to the applicant.
3. The applicant is directed to execute Supurtnama of Rs.5,00,000/- (Rupees Five Lakhs only) for the said vehicle.
4. The applicant is directed not to alienate/sold, not to make change in the said vehicle without prior permission of this Court and produce it before the Court as and when directed.
5. The investigation officer to release the vehicle after verification of ownership documents and the supurtnama shall be attached to the complaint.
6. The application is accordingly disposed of.

Place : Bhusawal

(V. B. Salunke)

Date : 17-08-2023

Judicial Magistrate F.C. (Rly)
Bhusawal