

MHAU030123342023

Cri. M. A. No. 2339/2023

Gaurav Jaggu Lahot

Vs.

The State of Maharashtra

ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO. 2339/2023

This is an application filed by the applicant under Section 457 of the Code of Criminal Procedure. Through this application the applicant Gaurav Jaggu Lahot is praying custody of seized muddemal property i.e. Hero Honda Splendor motorcycle bearing registratio No. MH20GB0961 which was seized in C.R. No. 0127/2023 for the offence punishable under Section 354-D, 504, 506 of the Indian Penal Code registered with Vedant Nagar Police Station, Aurangabad.

2. Applicant contended that, the above mentioned seized muddemal property belongs to the applicant. If said seized muddemal property is remained in Police Station then said property may become useless and may become rusted day by day. Therefore, prayed for return of seized muddemal property to him.

3. I.O. has filed his say and contended that, vehicle in question is seized in C.R. 0127/2023. He has no objection to return said seized property to applicant on imposing specific conditions. Hence, prayed for appropriate order.

4. Learned APP has filed his say and contended that, seized vehicle is importance piece of evidence of prosecution, if vehicle give to the applicant there is chances to sold and change its nature. Hence, Prayed for rejection of application.

5. Applicant filed on record the photo copy of FIR, copy of tax invoice and copy of insurance policy, copy of RC book and verified copy of Adhar card of applicant alongwith list of documents (Exh. 4).

6. Heard learned advocate for applicant and learned APP. Perused the record. Applicant filed the copy of RC Book of the seized vehicle in question. On said RC Book registered owner of the vehicle i.e. Hero Honda Splendor is mentioned as Gaurav Jaggu Lahot. Motor vehicle registration number, chassis number and engine number mentioned in said copy of vehicle particulars is same as mentioned by the applicant in his application. Therefore, prima-facie it is seen that, applicant is the owner of the vehicle in question.

7. Now the question is whether the applicant is entitled to get possession of the seized muddemal property. The object of the provisions of the code relating to the disposal of the property under Chapter XXXIV, is not to retain the property in the custody of the police or the Court, longer than the period which is necessary. If the vehicle kept in the premises of the police station, then there is possibility that, said seized vehicle will be rusted and will become junk day by day. From perusal of RC Book, prima facie applicant seems to be the owner of the seized vehicle in question. Learned APP submitted that, if the vehicle is returned to the applicant then there is possibility that, applicant may sold it or may change its nature. However, this can be prevented by imposing sufficient conditions upon the applicant.

8. Therefore, considering the above circumstances and observations, I do not find any reason to detain the seized muddemal property in question in the police station. Further, it is also to be observed that, apart from the applicant, no one has claimed said vehicle till the date. From perusal of RC Book of vehicle prima-facie applicant

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Gaurav Jaggu Lahot is appears to be the owner of the Vehicle in question. Therefore, in my considered opinion, if the seized muddemal property remained in the police station then it may get junked and rusted day by day. On the contrary if seized muddemal property released to the applicant then, applicant may use it for his daily use. Hence, it would be proper to return the seized muddemal property to the applicant on specific bond. Hence, I pass the following order.

ORDER

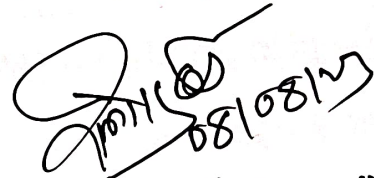
1. Application is allowed.
2. The Police Station Officer, Vedant Nagar Police Station, Aurangabad is directed to hand over the interim custody of seized vehicle i.e. Hero Honda Splendor motorcycle bearing registration No. MH20GB0961, chassis No. MBLHAW114N5A00820 and engine No. HA11EVM5M65254 be given to the applicant on executing indemnity bond (Suprutnama bond) of Rs. 90,000/- (Rs. Ninety Thousand Only).
3. Applicant shall not alienate or transfer the vehicle till the disposal of the case or without the permission of the Court.
4. Applicant shall not make any substantial change in the appearance or the part of the vehicle or will not change its nature nor should change its colour.
5. Applicant to produce the vehicle as and when required for the purpose of investigation, inquiry or trial.
6. Investigating officer shall verify the original documents and prepare detail panchnama and take necessary photographs of the vehicle before handing over the seized vehicle to the applicant.

[Handwritten signature]
08/08/23

7. Information of the order be given to the concerned police station accordingly.

8. Proceedings and all documents of present application be kept in C.R. No. 0127/2023.

9. Issue yadi accordingly.



(Sameer Gopal Gunari)

Date : 08.08.2023

Place : Aurangabad

I/c. Judicial Magistrate First Class
(Court no.19), Aurangabad