

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1167 OF 2018

IN

CRIMINAL APPEAL NO.74 OF 2018

AJAY RAMAVTAR CHAURASIYA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Aniket Vagal, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th JULY 2018

P.C. :

1 This is an application by the applicant/accused for return of Honda Activa motorcycle bearing Registration No.MH-04-HR-3324 to him during pendency of the appeal.

2 Heard both sides.

3 The applicant/accused came to convicted of offences punishable under Sections 376, 323, 342, 354D of the Indian Penal Code and he is sentenced accordingly. This court on 22nd March 2018 (Coram : A.S.Gadkari, J.) was pleased to release the applicant/accused on bail during pendency of the appeal filed by him.

4 It is seen that during investigation Honda Activa motorcycle belonging to the applicant/accused was seized. The learned counsel for the applicant/accused submits that, at that time, that motorcycle was not registered with the RTO and it was having temporary number TC-377 but during the pendency of the trial, it is registered and is now bearing Registration No.MH-04-HR-3324.

5 As such, it is seen that the applicant/accused is the registered owner of the motorcycle and along with the application he has placed photocopy of the registered certificate of the seized vehicle. It is well settled that automobile seized during pendency

of the investigation needs to be released in favour of the registered owner, in order to avoid reducing it to junk. Therefore the order :

ORDER

- i) The application is allowed.
- ii) Honda Activa Motorcycle bearing Registration No.MH-04-HR-3324 (Temporary no.TC-377) seized during the course of investigation be released in favour of the applicant/accused during pendency of the appeal.
- iii) The applicant/accused should not dispose off that motorcycle during pendency of the appeal.
- iv) The application is disposed of accordingly.

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(A. M. BADAR, J.)