

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1259 OF 2017

Navnath Popat Jagtap

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Rahul S. Kadam for the applicant.

Ms. P.N. Dabholkar, APP and Mr. P.H. Gaikwad, APP for the Respondent-State.

Mr. S.D. Arjun, Jejuri Police Station present-in-person.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 02nd JULY, 2018.

P.C.

1. The applicant has preferred an application for return of vehicle viz Mahindra and Mahindra Scorpio Jeep before the Court of Additional Sessions Judge, Pune. The said application was rejected by order dated 12th October, 2017.

2. The offence vide CR No.8/2017 was registered with Jejuri Police Station for an offences punishable under Sections 399, 109 of Indian Penal Code and Section 4(25) of Indian Arms Act against the accused persons. During the course of investigation, the said vehicle was seized by the police. The prosecution case is that on

the date of incident, during patrolling in the night of 4th January, 2017 police noticed that some persons were travelling in a Mahindra Scorpio Jeep without number plate which was intercepted by them. Three persons occupying the said vehicle fled away and two persons were apprehended at the spot. They were armed with weapon and cash of Rs.8,110/-. During the interrogation, it was revealed that the accused were preparing to commit dacoity, some weapon were recovered from the said vehicle.

3. Investigation was completed and chargesheet is filed and the case is pending before the concerned Court. It is alleged that the applicant who was the owner of the said vehicle had sold out the said vehicle to the accused and it was used in commission of crime. Learned Additional Sessions Judge, rejected the application preferred by the applicant for return of the said vehicle by order dated 12th October, 2017.

4. Learned advocate for the applicant submitted that the applicant is a registered owner of the vehicle. He pointed out the document issued by the office of Deputy RTO Baramati which shows that the applicant is the owner of the said vehicle bearing No.MH14 BX9227. It is submitted that the alleged document was

executed only by way of understanding as a security towards a loan transaction and actually it was not sold to the accused. It is further submitted that the vehicle is still owned by the applicant. He had no knowledge that the vehicle was being used in commission of crime. He is not the accused in the said crime in which the vehicle was seized or any other crime in which the purportedly the vehicle is being used by the accused. He further submits that if the vehicle is released, the applicant would use it for his personal use and would not part it to any other person.

5. Learned APP submitted that the vehicle was used in two crimes by the accused. It is submitted that the applicant is being the owner of the said vehicle as per the records of RTO, but the same is being used by the accused who were involved in the crime. In the event of vehicle is being released in favour of the applicant, the same would be used in commission of crime.

6. On perusal of the document tendered by the counsel for the applicant, the vehicle stands in the name of the applicant in the records of RTO. The applicant is not the accused in the said crime in which the vehicle was seized. From the record, it does not appear that the applicant had connived with the said accused in commission of the said crime. The vehicle is lying at the police

station since January, 2017 and no purpose would be served by keeping the said vehicle in the custody of the police. Hence, I pass the following order.

ORDER

- (i) Application is allowed;
 - (ii) The vehicle viz Mahindra and Mahindra Scorpio bearing No. MH14 BX 9227 seized by the police attached to Jejuri Police Station in connection with Crime No. 8 of 2017 be returned to the applicant on executing bond/supratnama in the sum of Rs.3,00,000/-;
 - (iii) The applicant shall not transfer the vehicle in favour of any other person;
 - (iv) The applicant shall produce the vehicle as and when directed by the Court;
7. The application stands disposed of.

(PRAKASH D. NAIK, J.)