

Vidya Amin.

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

CRIMINAL APPLICATION NO. 281 OF 2019

Sanjay Maruti Khaire ... Applicant

VS.

The State of Maharashtra ... Respondent

Mr. Shailesh Kharat, Advocate for the applicant.

Mr. N.B. Patil, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 18th March, 2019

P.C. :

Upon urgent mentioning, taken on production board.

2. This Application is moved under section 482 of Cr. P.C. by the accused, who is prosecuted for the offences punishable under sections 302, 364, 201 of Indian Penal Code and section 4(25) of the Arms Act. The applicant/accused has moved an Application for return of the property, i.e., four wheeler vehicle Mahindra Scorpio bearing registration No. MH-14/DA/5353.

3. The learned counsel for the applicant/accused submitted that the vehicle was seized on 19th May, 2018 and it is at their custody since then. He further submitted that the vehicle will be damaged

if it is not in use.

4. Learned APP opposed the Application.

5. Perused the order dated 18th February, 2019 passed by the Additional Sessions Judge, Khed-Rajgurunagar denying the return of property. As per the case of the prosecution, the said vehicle was used for transportation of the body of deceased and blood stains were found in the vehicle. Accordingly, panchnama was drawn and vehicle was seized in May, 2018. There is no necessity to keep the vehicle at police station and if the vehicle is not in use, it will be damaged, so it is to be returned. Hence, Criminal Application is allowed. The vehicle Mahindra Scorpio bearing registration No. MH-14/DA/5353 is to be returned to the applicant.

(MRIDULA BHATKAR, J.)