



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 CRIMINAL WRIT PETITION NO. 146 OF 2024

MOHSIN KHAN HAROON KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Prashant Prabhakar Giri.

APP for Respondent/-State : Ms. P. V. Diggikar.

Advocate for Respondents No.2 : Mr. Vinod Jadhav.

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CORAM : S. G. MEHARE, J.

DATE : 12.08.2024

PER COURT :-

1. Heard the respective learned counsels.
2. The applicant has impugned the order of the learned Additional Sessions Judge, Hingoli passed below Exh.26 rejecting the application under Section 451 of the Cr.PC.
3. The learned counsel for the applicant submits that the vehicle seized in the crime was not the weapon. The applicant had produced certain documents.
4. The learned counsel for the applicant fairly conceded that the applicant was not the registered owner of the vehicle. The registered owner of the vehicle had executed an agreement of sale. Therefore, vehicle may be released on Suprutnama to him till disposal of the trial.

5. The registered owner also joined as a party. He also concedes that he sold the vehicle to the applicant. However, the facts reveal that the vehicle has not been transferred in the name of the applicant. The law is well settled that unless the motor vehicle is transferred by following the Motor Vehicles Act, the other transport are not legal and valid. This was the solitary ground to refuse the application. However, the learned Trial Court declined the application for releasing the vehicle to the applicant on other ground.

6. The Court is of the view that since the applicant is not the registered owner of the vehicle, he is not entitled to the custody of the vehicle till the trial is concluded. His application is not tenable.

7. Hence, writ petition stands dismissed. However, it is clarified that the registered owner may request by an application to the concerned Court for releasing the offending vehicle under Section 451 of the Cr.P.C.

(S. G. MEHARE, J.)

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vmk/-