



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 240 OF 2025

1. Shailesh s/o. Natvarlal Raval,
Age : 63 years, Occ. : Business,
R/o. : Vani Society, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar ... PETITIONER

VERSUS

1. Pundlik S/o. Hiranman Gaikwad,
Age : 36 years, Occ. : Business,
R/o. : Sadnika No.64, Murudgandh Society,
Wind D, Dindori Road, near Sai Temple,
Merry Colony, Prabhat Nagar, Nashik,
Dist. Nashik
2. The State of Maharashtra,
Through Kopargaon Police Station,
Tq. Kopargaon, Dist. Nashik ... RESPONDENTS

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Mr. S.B. Chaudhari – Advocate for Petitioner
Mr. A.M. Gholap – Advocate for Respondent No.1
Ms. M.N. Ghanekar – APP for Respondent No.2, State

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 23.09.2025

ORDER :

1. The petitioner raises challenge to the order rendered by the Additional Sessions Judge, Kopargaon, Dist. Kopargaon in Criminal Revision Application No.2 of 2025, whereby the application presented by respondent No.1 under Section 457 of the Criminal Procedure Code seeking custody of the vehicle has been allowed. The petitioner is the

complainant and engaged in transport business. The truck in question engaged in transporting liquor bottles to be delivered at Nanded. Pursuant to the same, C.R. No.376 of 2022 was registered under Section 407 read with 34 of the Indian Penal Code in relation to which the vehicle in question bearing registration No. MH-17-BY-9240 was seized.

2. Initially, the registered owner of the vehicle was one Anil Jadhav had availed a loan for its purchase. However, on account of non-payment of the amount to the Finance Company i.e. Tata Motor Finance Ltd., the vehicle was put to auction. Respondent No.1 having participated in the said auction, purchased the said vehicle.

3. On the strength of such auction purchase, respondent No.1 presented an application seeking custody of the vehicle. In the wake of purchase respondent No.1 approached the Judicial Magistrate First Class seeking release of the vehicle. The Judicial Magistrate First Class, while observing that the Finance Company has issued a letter of authorization in favour of respondent No.1, noted that the registration of the vehicle still stood in the name of the previous owner. Holding that a mere letter of authorization is insufficient to establish ownership of the applicant over the seized vehicle, resultantly, the request of the respondent No.1 came to be rejected.

4. Thereafter, respondent No.1 approached the Sessions Court. The

learned Additional Sessions Judge considering the fact that the respondent No.1 had purchased the vehicle in an auction conducted by the Finance Company and considering the same, the application was allowed.

5. The petitioner has raised an exception to the said order approaching this Court. It is submission of the learned Counsel for petitioner that the learned Additional Sessions Judge has committed error while upsetting the order of learned Magistrate by allowing the application presented by respondent No.1.

6. *Per contra*, Mr. A.M. Gholap, learned Counsel for respondent No.1, has supported the order under challenge submitting that the respondent No.1 is the auction purchaser of the vehicle. It is further submitted that the Finance Company has issued a letter of authority in respect of the vehicle in question, and thus respondent No.1 has acquired title thereto. Therefore, prayed for dismissal of the petition.

7. Having heard learned Counsel appearing for the respective parties, it is a matter of record that the truck in question was hypothecated with Tata Motor Finance Ltd., by the previous owner. On account of failure to repay the amount, the financier eventually put the vehicle to auction, wherein respondent No.1 emerged as the auction purchaser. Admittedly, the agreement of hypothecation existed in favour of the Finance

Company in respect of the vehicle in question. However, owing to the failure of the previous registered owner in repayment, constructive possession remained with the Finance Company, who thereafter, conducted the auction, wherein respondent No.1 purchased the vehicle. Consequently, the Finance Company issued a letter of authority in favour of respondent No.1.

8. Considering the fact that the respondent No.1 is a lawful purchaser, the learned Additional Sessions Judge has rightly allowed the application presented by respondent No.1 and directed the execution of *Supurdnama*. The Court has also taken into account the fact that keeping the vehicle in idle condition would result into damage to the vehicle. In such circumstance, no illegality or error is noted in the order under challenge.

9. In my considered view, the petitioner has failed to make out a case warranting interference with the well reasoned order passed by the learned Sessions Court. Resultantly, no interference is warranted.

10. The Criminal Writ Petition is, therefore, dismissed.

[SACHIN S. DESHMUKH]
JUDGE