



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3839 OF 2025

Cholamandalam Investment & Finance Co. Ltd.
Registered under the Companies Act,
Having a registered office at
Dare House No.2, N.S.C. Bose Road, Parrys,
Chennai
Having a Local Branch Office at
Jagtap Building, 1st Floor, Union Bank,
Shahnoormiya Dargah Road, Sahakar Nagar,
Chhatrapati Sambhajanagar
Through Dy. Officer-SF Recovery & Special Power
of Attorney Holder
Pavan Nivrutti Khandare
Age: 39 years, Occu.: Service
as (Deputy Officer-SF Recovery)
R/o Mauli Nivas, Bhagyoday Nagar, Ambad Road,
Jalna

..APPLICANT

VERSUS

1. State of Maharashtra
2. Rameshwar Sudam More
Age: 36 years, Occu.: Driver,
R/o Tuljabhavani Nagar, Tq. Bhokardan,
Dist. Jalna

..RESPONDENTS

....
Mr. S.S. Panale, Advocate for the applicant
Mr. S.S. Dande, A.P.P. for respondent no.1 - State
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CORAM : ABHAY J. MANTRI, J.
DATE : 17th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally
with the consent of learned counsel for the parties.

2. By this application, the applicant is praying for the modification of the order dated 24th June, 2024, passed by the learned Additional Sessions Judge, Jalna, below Exh. 47 in Sessions Case No. 155 of 2023 to the extent of imposition of condition 2 (d), that is, “***the applicant shall not transfer, alienate or change the nature of the tractor***” while releasing the vehicle, i.e. Tractor. Being dissatisfied with the said condition, the applicant has preferred this application.

3. Heard learned counsel for the applicant and learned A.P.P. for Respondent No.1 – State. None appears for the Respondent No.2, though served. Perused the impugned order, record, as well as the judgment of this Court in ***Tata Motors Finance Ltd. Vs. The State of Maharashtra & Anr., 2018 ALL MR (Cri.) 636.***

4. Learned counsel for the applicant submitted that the learned Additional Sessions Judge allowed the application and directed the Investigating Officer to hand over custody of the tractor to the applicant; however, imposed the condition that no. (d) i.e. “***the applicant shall not transfer, alienate or change the nature of the tractor***”. He submitted that the issue in the present case is covered by the judgment of ***Tata Motors Finance Ltd.*** (supra), and therefore, urged that in view of the law laid in the said judgment by imposing condition no. (c) as per the said judgment, the applicant is permitted to sell the tractor. He further submitted that the applicant is ready to give an undertaking of the proposed purchaser that he will not transfer the

tractor without the permission of the Court, nor change the nature of the tractor till the conclusion of the trial.

5. Learned A.P.P. does not dispute the law laid down in the case of *Tata Motors Finance Ltd.* (supra) and submitted that while allowing the application, condition no. (c) as mentioned in the aforesaid cited judgment is to be imposed, and also requested to mention the reference of this order in the agreement while selling the same. In response, learned counsel for the applicant is ready to furnish an undertaking of the proposed purchaser of the said tractor in that regard and ready to mention the reference of this order in the agreement.

6. Having considered the above submission and the law laid down in *Tata Motors Finance Ltd.* (supra), I deem it appropriate to permit the applicant to sell the said tractor in favour of the third person, subject to condition (C) mentioned in the above-referred judgment, which reads thus :-

“(C) Insurer would submit an undertaking/guarantee to remit the proceeds from the sale/auction of the vehicle conducted by the Insurance Company in the event that the Magistrate/Judge finally adjudicates that the rightful ownership of the vehicle does not vest with the insurer. The undertaking/guarantee would be furnished at the time of release of the vehicle, pursuant to the application for release of the recovered vehicle. Insistence on personal bonds may be dispensed with, looking to the corporate structure of the insurer.”

The applicant shall also file an undertaking of the proposed purchaser that he will not transfer the said tractor to any third person or change its nature without the permission of the Court until the conclusion of the trial. The applicant is also directed to refer to/mention this order in the agreement to the sale of the tractor to the proposed purchaser.

7. As a result, the application is allowed. The order of the learned Additional Sessions Judge to the extent of imposition of condition no. 2 (d) is hereby quashed and set aside. The applicant is permitted to sell the vehicle by auction under the conditions set out in paragraph 6 (i.e. Condition No. 'C') above. The rest of the conditions in the impugned order shall remain as they are.

The rule is made absolute in the above terms.

Inform the order to the learned Sessions Court.

(ABHAY J. MANTRI, J.)

SSD