



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1546 OF 2025

Sunil Ramesh Mali,
Age : 28 Years, Occu : Agri., & Business,
R/o. Belgaon, Tq. Georai, Dist. Beed.

...PETITIONER

VERSUS

The State of Maharashtra,
Through the Officer in charge,
Police Station Georai, Dist. Beed.

...RESPONDENT

Ms. Ashwini Patil h/f Mr. Salunke Sudarshan J., Advocate for the Petitioner.
Mr. P. M. Kulkarni, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.
DATE : DECEMBER 10, 2025

JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally, with the consent of learned counsel for the parties at the admission stage.
2. By this petition, the petitioner is challenging the judgment and order dated 17th June 2025 passed by the learned Sessions Judge, Beed in Criminal Revision Application No.31 of 2025, whereby confirmed the order dated 22nd April 2025 passed by the learned Judicial Magistrate First Class, Georai, in Criminal Miscellaneous Application No. 376 of 2024, thereby rejected the application for release of the vehicle in favour of the petitioner, has preferred this petition.

3. The learned counsel for the petitioner vehemently contended that the petitioner is the owner of the vehicle in question and, therefore, sought release of the said vehicle in his favour. She further submitted that, although an agreement to sell was executed between the petitioner and the co-accused, Rahul Dhotre, the vehicle was never transferred in Rahul's name, although possession was handed over to him. She also pointed out that Rahul has given a no-objection for handing over the vehicle to the petitioner. However, the learned Magistrate erred in observing that the petitioner does not appear to be the lawful owner of the seized vehicle and, therefore, rejected the application. Likewise, the learned Sessions Court erred in observing that the transaction between the petitioner and Rahul was void ab initio and illegal, and that the petitioner had not produced the RC book. The learned Sessions Court further held that the dispute regarding ownership was in question and, therefore, rejected the application. As such, the learned counsel for the petitioner urged that the petition be allowed.

4. *Per contra*, learned APP opposed the application, contending that the original owner, Sunil Mali (the petitioner), had sold the seized vehicle to Rahul and, therefore, the petitioner is no longer the owner of the said vehicle. He further submitted that the seized vehicle is an essential piece of evidence in the case, and if it is released, the accused may sell it or change its nature. Hence, he argued that the orders passed by the learned Magistrate and the learned Sessions Court are just and proper.

5. Having heard the learned counsel for the parties, perused the impugned judgment and orders and the record. At the outset, it appears that the vehicle in question was seized by the concerned authority on 06th April 2025. It seems from the vehicle particulars on record, obtained on 07th April 2025, *that the petitioner is shown as the owner of the seized vehicle.*

6. It also appears that by an agreement dated 07th April 2025, the petitioner agreed to sell the vehicle to one Rahul Dhotre for a consideration of ₹ 15,00,000/-. Out of the said amount, ₹ 2,00,000/- was paid by Rahul to the petitioner, and the balance of ₹ 13,00,000/- is payable in installments towards the loan issued by Chola mandalam Private Company Finance. It was agreed that upon completion of the entire payment, the vehicle would be transferred in Rahul's name. On the said date, possession of the vehicle was handed over to Rahul.

7. It further appears that before the learned Magistrate, Mr. Rahul filed an affidavit stating that he has no objection to the return of the vehicle to the petitioner, which itself indicates that Mr. Rahul is not disputing the petitioner's ownership and, therefore, has given no objection to handing over the vehicle to him. However, the learned Magistrate and the learned Sessions Court failed to consider these documents and the material on record in their proper perspective and erred in observing that the petitioner had not proved lawful ownership of the seized vehicle or that any dispute

existed regarding its ownership. These findings are contrary to the facts on record, as the vehicle particulars categorically show that the petitioner is the registered owner of the seized vehicle, and Rahul's affidavit further supports these facts. Therefore, the findings recorded by the learned Magistrate and the learned Sessions Court are incorrect and contrary to the record and are liable to be set aside.

8. To sum up the above discussion, it appears that the petitioner, being the owner of the vehicle, is entitled to claim its custody. Having considered the guidelines laid down in *Sunderbhai Ambalal Desai and Ors. Vs. State of Gujarat*, I deem it appropriate to release the vehicle in favour of the petitioner. Releasing the vehicle would not cause any prejudice to the rights of any person. On the contrary, if the vehicle is not released, it will certainly prejudice the rights of the petitioner, particularly since the vehicle was purchased on loan and has been lying idle at the police station. Keeping the vehicle idle in the police station will inevitably result in damage or rusting.

9. Thus, I am of the opinion that the vehicle be released in favour of the petitioner on the following conditions.

- (a) Consequently, the writ petition stands allowed with a direction to the Trial Court to release the vehicle in question (i.e. bearing registration No. MH-23 AU-6839) on the interim custody on supurtnama (as per its' valuation) after preparing a video and still photographs of the 'Bada Dost Pickup' made by Ashok Leyland and

after obtaining all information/documents necessary for identification of the vehicle, which shall be authenticated by the Investigating Officer, owner of the Bada Dost Pickup made by Ashok Leyland and accused by signing the same.

- (b) The applicant shall not sell or part with the ownership of the vehicle till conclusion of the trial to any body and shall furnish an undertaking to the Trial Court that he shall surrender the vehicle within one week of being so directed and/or pay the value of the Bada Dost Pickup made by Ashok Leyland (determined according to Income Tax Law on the date of its release), if so ultimately directed by the Court.
- (c) The judgment and order dated 17th June 2025 passed by the learned Sessions Judge, Beed, in Criminal Revision Application No.31 of 2025, whereby confirmed the order dated 22nd April 2025 passed by the learned Judicial Magistrate First Class, Georai, in Criminal Miscellaneous Application No. 376 of 2024, are hereby quashed and set aside.

10. Rule is made absolute in the above terms.

(ABHAY J. MANTRI, J.)