

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.143 OF 2025**

Preetam Nahar	Appellant
V/S	
State of Maharashtra	Respondent

Mr.Vishal Laxman Kolekar for the Appellant.
Mr.S.R. Agarkar, APP for the State.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 1st DECEMBER, 2025.

P.C.

1 The subject matter of challenge in the Appeal is the order passed by the Additional Sessions Judge, Khed-Rajgurunagar, Pune on 02/01/2025, when the Applicant, claiming to be a bonafide purchaser of a BMW vehicle bearing registration No.MH-14-JD-0007, sought permission for its sale.

The claim staked before the Court was, he is lawful owner of the vehicle and he has no nexus with the alleged offence and in fact he had purchased the same from one Rahul Jaybhay, being arraigned as Accused No.1 in CR No. 628/2022 invoking Section 406, 420, 506 read with 34 of the Indian Penal Code alongwith Section 3 of the MPID Act.

The FIR was based on occurrence of the events resulting into culmination of the crime as from 20/05/2020 to 30/09/2022.

2 In the wake of the submissions advanced, the learned Judge has rightly recorded that the vehicle in question is registered in the office of RTO on 09/07/2020 and it was purchased for a consideration of Rs.80,04,335/- from its registered owner Rahul Jaybhay, by the present Appellant, who received the amount of Rs.66,79,335/- in the subsequent tranche whereas, in the earlier tranche, Rs.12,90,000/- was transferred in the name of Vaibhav Creation, an account of the accused Rahul Jaybhay.

3 The impugned order rightly record that the vehicle in question was purchased on 09/07/2020 and the value of the vehicle was more than Rs.1 Crore at the time of its purchase. It is also recorded that the Appellant purchased the vehicle with proper consideration and the amount was transferred to the Accused and the finance company through RTGS and he has no concern with the crime, but in the hands of the accused it become an asset permitted to be attached under Section 4 of the MPID

Act, and, therefore, the order directed the Police Inspector Khed Police Station to return the BMW Car to the Applicant, on executing bond of Rs.80,00,000/-, on a condition not to dispose of, alter, transfer, sale, alienate the vehicle without prior permission of the Court, and produce the same as and when directed.

4 Finding no merit and illegality in the order by upholding the same, the Appeal is dismissed.

Needless to state that as per the condition imposed, the Appellant is at liberty to seek permission from the Court, if at all he intend to sale/alienate the vehicle.

[SHYAM C. CHANDAK, J]

[BHARATI DANGRE, J]