



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO.208 OF 2025

Shubham s/o Rameshwar Harinkhede,
Aged about 28 years,
Occupation – Business,
R/o. Devatola, Post - Dauniwada,
Tah. and District – Gondia.

...PETITIONER

VERSUS

State of Maharashtra
Through its Police Station Officer,
Police Station Davniwada, Tah.
and District – Gondia

...RESPONDENT

Mr. N.R. Tekade, Advocate for the petitioner.
Mr. M.J. Khan, APP for the State

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JULY 16, 2025.

ORAL JUDGMENT :

RULE. Rule is made returnable forthwith.

2. Heard finally with the consent of the learned Counsel for both the parties.

3. By this writ petition, the petitioner has challenged the order dated 03/01/2024 passed by Sessions Judge, Gondia rejecting the application for release of the vehicle.

4. The respondent – Davniwada police station registered an offence against the accused namely Pravin Bhaiyyalal Neware for the offence punishable under Sections 302 and 307 of the Indian Penal Code vide Crime No.258/2022 on an allegation that on 01/10/2022 at around 5.00 PM one Deepak Dande was doing the business of Gupchup, near Gram Panchayat office. Around 5:30 p.m. the peon of the Gram Panchayat namely Yashwantrao Surajlal Mende was proceeding on his bicycle towards Karutola. At the relevant time, one Sumo car which was driven by the accused Pravin Neware of his village has gave a dash to Yashwantrao Mende and thereafter taking vehicle in reverse for three & four occasions, dashed him and in the said incident he succumbed to the death. One witness namely one Damahe tried to snatch the keys of the said vehicle but due to the severe dash given by the said vehicle driver, the said Mende sustained grievous injuries and Vikas Kawade and Pramod Diyewar has taken him to the Primary Health Center, Dawaniwada but he succumbed to the death. On the basis of the said report, police have registered the crime against the accused Pravin Neware.

5. During the course of investigation, the dead body of the deceased was forwarded to the Medical Officer for postmortem report. The deceased has sustained 20 injuries all over his body which includes lacerated wound, multiple abrasions and fracture of ribs. The Investigation Officer arrested the accused Pravin Neware and during interrogation with him it revealed that the vehicle used by him TATA Gold Sumo bearing registration No.MH-34/AA-9145 is owned by the present petitioner which was used in the commission of the crime. During investigation, the blood stained cloths of the deceased came to be recovered and seized. Other muddemal also came to be recovered. Similarly, the vehicle which was used in the commission of the crime bearing No.MH-34/AA-9145 which was stands in the name of the present petitioner was also seized. As per the mechanical inspection report of the vehicle there was damage on the front of vehicle. The inspection report is also connected by the investigating agency. After completion of the investigation, the charge-sheet was submitted against the accused.

6. The present petitioner has preferred an application before the Sessions Judge vide below Exhibit 10 for release of the vehicle on supratnama. The initial application for the supratnama was rejected by the Court, and therefore, this was the second application filed. The application was filed on the ground that if the vehicle was kept at the

police station it would be worthless. In view of that, it be given to the applicant on imposing certain conditions. However, considering the fact that the vehicle is involved in a grievous offence like murder, and therefore, the Sessions Judge has rejected the application on the ground that the earlier application is already rejected. There is no change in circumstances. Consecutive application for release of vehicle on supratnama cannot be filed and that liberty is not available to the applicant. In view of that, the application was rejected.

7. Being aggrieved and dissatisfied with the same, present petition is filed by the petitioner on the ground that considering the fact that the vehicle is owned by the present petitioner. The relevant evidence as to the blood stains which were available on the vehicle are already collected by the investigating agency. The inspection report of the vehicle is also collected by the investigating agency, therefore, no purpose would be served by keeping the said vehicle at a police station, otherwise the said vehicle would become worthless and prays for release of the vehicle.

8. Learned APP strongly opposed the petition by filing his reply on the ground that the vehicle involved in a serious offence that vehicle would be required before the Sessions Judge during the trial for the identification of the vehicle. If the said vehicle is handed over to the present petitioner there is every likelihood of change in the description

of the said vehicle as well as there is possibility of handing over of the vehicle by the petitioner to any other person and then it would be difficult for the prosecution to establish the identification of the vehicle. In view of that, the application is rightly rejected by the Sessions Judge and no interference is called for.

9. After hearing both the sides and on perusal of the provisions of the Act and the investigation papers it reveals that the vehicle is seized in a Crime No.258/2022 registered for the offence punishable under Sections 302 and 307 of the Indian Penal Code. By invoking the jurisdiction of this Court under Article 226 and 227 of the Constitution of India, the present petitioner is praying for releasing of the vehicle on supratnama. As far as the involvement of the vehicle in the crime is concerned which is undisputed. It is also undisputed that when the vehicle inspected by the RTO it was having some scratches. During investigation, the blood stains found on the said vehicle are also collected by the investigating agency and forwarded for the chemical analysis report. The ownership of the vehicle is also with the present petitioner. Present petitioner has placed on record the relevant documents i.e. registration certificate and the copy of the insurance policy which shows that the present petitioner is the owner of the said vehicle. Only objection raised by the learned APP is that if the vehicle is handed over to the present petitioner there is every likelihood of change

in the nature of the vehicle and in that condition the prosecution would not be in a position to prove the identification of the vehicle which is used in the commission of the crime. Except the said objection, there is nothing on record to show that for what purpose that vehicle is to be kept at the police station. Considering the apprehension raised by the learned APP and considering the fact that now investigation is already completed and charge-sheet is already filed and the relevant evidence is already collected by the investigating agency by collecting the scratches from the vehicle as well as from the blood stains on the vehicle, no purpose would be served by keeping the said vehicle in the police station. If the said vehicle is kept at the police station it would become worthless because of the non-use of the vehicle. Though the vehicle is seized in a grievous offences no specific provision is there to keep the vehicle with the police station till disposal of the sessions case. In absence of such provision, the general provisions contained under Chapter XXXIV of the Code of Criminal Procedure would apply. The trial Court would take considerable time for disposal of the case. In the meanwhile, if the vehicle is kept lying at the police station, during passage of time, it would become worthless. In view of the above said findings recorded, the impugned order passed by the learned Sessions Judge, Gondia deserves to be quashed and set aside. Accordingly, I proceed to pass the following order:

- (i) The writ petition is allowed.
- (ii) The vehicle TATA Gold Sumo bearing registration No.MH-34/AA-9145 shall be released temporarily tendering the photocopy of the document of ownership of the vehicle to the satisfaction of the Sessions Judge where the trial is pending by executing a bond of Rs.15,00,000/- for the satisfaction of the Court.
- (iii) The temporary custody of the vehicle is handed over on condition that the vehicle shall not be used in any crime.
- (iv) The petitioner shall provide photographs of the vehicle from all sides to the Court and the Investigating Officer.
- (v) The detail panchnama of the vehicle shall be made by the Investigating Officer while handing over the vehicle to the present petitioner and place it along with the photographs.
- (vi) The petitioner shall not make any changes in the said vehicle either in the colour or in the appearance or shall

alienate or create charge or hand over the possession of the vehicle to the third party in any manner and shall not change the appearance of the vehicle outer or inner, till conclusion of the trial.

(vii) The petitioner shall produce the said vehicle as and when required and Court directs for the identification of the said vehicle before the Court.

10. The petition stands disposed of. Rule made absolute in the aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

**Divya*