



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

CRIMINAL REVISION APPLICATION NO. 57 OF 2025

APPLICANT

(Ori. Applicant)

Kalpesh s/o Shalik Khekade,

Aged about 31 years, Occu: Business,

R/o Jodmoha, Tq. Kalamb, Dist. Yavatmal.

-VERSUS-

RESPONDENT

(Ori. Non-Applicant)

The State of Maharashtra, through

Police Station Officer, Yavatmal Rural, Tq.

and District Yavatmal.

Mr. Syed Salman Ali, counsel with Mr. Fasihur R. Kashif, counsel
for the applicant.

Mr. C.A. Lokhande, APP for respondent/State.

CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **09/07/2025**

ORAL JUDGMENT :

1. Heard.
2. **Admit.** Heard finally with the consent of learned
counsels appearing for the parties.
3. By preferring this revision application, the applicant

has challenged the order passed by the Additional Sessions Judge, Yavatmal, rejecting the application for releasing the four-wheeler bearing registration No.MH-12-LB-0990 seized by the Police Officer, Rural Police Station, Yavatmal, in connection with Crime No. 493/2024 registered under Sections 109(1), 352, 352(2), and 352(3) of Bhartiya Nyaya Sanhita, 2023.

4. The brief facts of the prosecution case, which are necessary for the purpose of disposal of the application is that, the applicant is arraigned as an accused in connection with the above said crime, on an allegation that he has attempted to commit murder by giving dash to the informant. The medical report shows that the informant has sustained five abrasion injuries. The applicant was arrested, and the vehicle of the applicant, which was used by him in the commission of the crime, came to be seized. Therefore, he has filed an application for releasing the vehicle on Supratnama. The application came to be rejected by the Additional Sessions Judge, Yavatmal, observing that the involvement of the present applicant is in serious offence, if the vehicle is returned to him, there is every chance of alteration in the vehicle and use of the said vehicle in committing the other crime also. It is observed

by the Sessions Court that the charge against the present applicant is that he dashed to the injured person by the said vehicle. Considering the fact that it is one of the grounds raised by the prosecution is that the inspection of the vehicle is pending and the report is awaited, the application is thereby rejected.

5. Heard learned counsel for the applicant, who submitted that now the inspection of the vehicle is already over, the investigation is also completed, and the charge-sheet is already filed. If the vehicle is kept at the police station, there is every possibility of causing damage to the vehicle. The law is settled that though the vehicle was used in commission of the crime, temporary custody of the vehicle during the pendency of the trial can be handed over to its owner upon due production of the documents.

6. Learned APP strongly opposed the said application and submitted that considering the vehicle is used in the commission of the crime, which is of a grievous nature. If it is returned to him, there is every possibility of alteration in the vehicle or creating a charge or disposal of the vehicle. In view of that, the application deserves to be rejected.

7. Moreover, the vehicle is seized for the offence under Section 307 of the Indian Penal Code, 1860, no specific provision is brought to the notice about the non-returning of the vehicle. As far as the ground mentioned by the Sessions Judge is concerned, the inspection of the vehicle is yet to be carried out. Now, the inspection of the vehicle is carried out, the investigation is completed and the charge-sheet has already been filed. Considering that the trial will take its own time for its final disposal. In the meantime, if the vehicle is kept lying in the police station, during the passage of time it will become worthless. In view of the above-said findings recorded, the impugned order passed by the learned Additional Sessions Judge, Yavatmal, requires to be quashed and set aside. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal revision application is **allowed**.
- b] The four wheeler vehicle bearing No. MH-12-LB-0990 owned by the present applicant be returned to him on executing P.R. Bond of Rs. 5,00,000/- for the satisfaction of the Court.

- c] The vehicle bearing No. MH-12-LB-0990 be released on temporary period tendering photo copy of the document of ownership of the vehicle to the satisfaction of the court.
- d] The temporary custody of the vehicle is handed over to the applicant on condition that vehicle would not be used in any crime.
- e] The applicant shall provide photographs of the vehicle from all sides to the investigating officer.
- f] The detail panchanama of the vehicle shall be made by the investigating officer and placed it along with the photographs.
- g] The applicant shall not hand over the possession of the vehicle to third party, or shall not alienate or create charge in any manner, and shall not change the appearance of the vehicle outer or inner till conclusion of the trial.

The revision application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]