



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

CRIMINAL WRIT PETITION NO. 1049 OF 2025

Dilip Kanuji Chandekar

-- VERSUS --

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.K. Sorde, Advocate for the Petitioner.
Mr. A.M. Joshi, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : DECEMBER 22, 2025.

The impugned order dated 05/12/2024 passed by the learned Special Judge, (Court No.2), Hinganghat, District Wardha, is under challenge. The learned Special Judge by its order rejected the application of the petitioner for release of his motorcycle, namely, Hero Splendor+. The said application was moved by the petitioner for release of his motorcycle, as the said vehicle was seized in an offence bearing Crime No.0225/2024 registered under Sections 376, 376(2)(n) of the Indian Penal Code, 1860, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Being the owner of the said vehicle, the petitioner had made the application for its release. The said application was rejected only on the ground

that the chassis number is not matching with the seizure memo.

3. I have heard the learned counsel for the petitioner as well as the learned A.P.P. It appears that the motorcycle was seized in Crime No.0225/2024. It further appears that the petitioner is the owner of the said motorcycle. An application was moved for release of the said motorcycle, however, the same was rejected only on the ground that the chassis number did not match with the seizure memo. After going through the record, it appears that the registration number of the Hero Splendor+ is MH-40-BZ-0679. The other details insofar as Chassis number is concerned, is MBLHAW090KHL83959 and Engine number is HA10AGKHL7090.

4. As could be gathered from the record, one alphabet and one digit in the seizure memo were wrongly mentioned as “MALHAW090KHL83958”. In fact, the chassis number was wrongly recorded by the investigating agency while effecting the seizure panchanama. Upon perusal of the tax invoices, insurance policy, and the registration certificate issued by the Regional Transport Office, Nagpur (Rural), it appears that all other particulars match with the seizure memo, except one alphabet, i.e., “A” and one digit, i.e., “8”.

5. Considering the above facts, the Special Court has miserably failed to take into consideration the other details of the said vehicle. From the record, it appears that the petitioner is the owner of the said vehicle bearing registration number MH-40-BZ-0679. The chassis number is MBLHAW090KHL83959 and the engine number is HA10AGKHL7090. Merely because the Investigating Agency has wrongly mentioned the Chasis number, that too, one alphabet and one digit, by itself, is not a valid reason to reject the application of the petitioner.

6. Considering the above facts and circumstances, I am of the view that, at the most, the Trial Court ought to have directed the Investigating Agency to re-verify the Chassis number, however, by straightway rejecting the application the petitioner has been deprived of his valuable right to get back his motorcycle being the owner. Considering the above facts and circumstances, following order is passed:-

ORDER

(i) The Criminal Writ Petition is **allowed**;

(ii) The order dated 05/12/2024 passed by the learned Special Judge, (Court No.2), Hinganghat, District Wardha, is quashed and set aside;

(iii) The Investigating Agency shall release the vehicle, namely Hero Splendor+, bearing registration No. MH-40-BZ-0679;

(iv) The Investigating Agency shall take photographs of the motorcycle;

(v) The petitioner shall produce the vehicle before the trial Court as and when directed by the trial Court;

(vi) The petitioner should not transfer or change the appearance of the vehicle till the disposal of the case.

[M.M. NERLIKAR, J]