



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

CRIMINAL REVISION APPLICATION NO.110 OF 2025

Moh Sagir Moh Jabir Ansari

Vs.

State of Maharashtra through its Police Station Officer, Police Station
Wani, District Yavatmal

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

Court's or Judge's orders

Mr. S. M. Lodha, Advocate for applicant through video conferencing.
Ms. M. A. Barabde, APP for State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2026

1. By way of this revision, the applicant has challenged the order passed by the learned Additional Sessions Judge, No.2, Kelapur, dated 29.04.2025 rejecting the application for interim custody of the vehicle.
2. The application was filed by the present applicant for releasing the vehicle i.e. Truck bearing registration No. MH-49-AT-9192 on supratnama which was seized in Crime No.80/2022 registered under Sections 395, 307, 353 of the Indian Penal Code.
3. It is contention of the present applicant that he has purchased the said vehicle from Vicky Kumbhalkar but still the said vehicle has not been transferred in his name, but it was in his custody. The driver has used the said vehicle without his

knowledge and if the said vehicle is kept at the police station, the condition of the vehicle would be deteriorated and the spare parts of the vehicle would be damaged.

4. The said application is strongly opposed by the State on the ground that the applicant is not a registered owner. There is no document on record to show that the applicant is the owner of the said vehicle. In view of that, the application deserves to be rejected. It is submitted that the learned trial Court has rightly considered the same and rightly rejected the application.

5. After hearing both sides and on perusal of the record, it reveals that the trial Court has observed that the said truck though claimed to be transferred in the name of the present applicant, but there is no document on record to show that he is the registered owner. It is seen in the name of one Vicky Kumbhalkar. The learned trial Court has rightly considered this aspect that as the present applicant is not a registered owner and one Vicky Kumbhalkar being a registered owner of the said truck and overall facts and circumstances in the light of the documents filed, it appears that the said truck is hypothecated to the objector i.e. said finance company as the loan is availed by the earlier registered owner. It further appears that the arbitral award in Arbitration Case REE No. SR / 185786 / 06-03-20/GANC-21/285/SS-9 SREI Equipment Finance Limited Vs. Vikky Babu Kumbhalkar and Anr. by competent sole arbitrator

has been passed on 19/05/2023 against the registered owner. This award declared the said finance company as owner of the said truck thereby entitling the said finance company to have a possession of the said vehicle. In view of that, the application was rejected.

6. Thus, there is no merit in the contention of the present applicant that the said aspect can be considered at the time of the final disposal of the trial. In fact, at this stage, the present applicant is not the owner, but the finance company is the owner of the said truck, and therefore, the revision application being devoid of merit and liable to be dismissed. Accordingly, I proceed to pass following order:

ORDER

The revision application is **dismissed**.

(URMILA JOSHI-PHALKE, J.)