



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

CRIMINAL APPLICATION (ABA) NO. 327 OF 2026

Firozuddin Mohammad Shahbuddin Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Tushar U. Tathod, counsel for applicant.
Ms. D.V. Sapkal, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 05/05/2026

1. Heard the respective counsels.
2. Apprehending arrest in connection with Crime No. 146 of 2026 registered for the offence punishable under Section 305(b) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.
3. The informant of the crime is one Durgesh Devidas Gour, who was working as 'maintenance in-charge' with "Just Universal Private Limited", which had warehouse at village Dabha.
4. According to the FIR, total 60 transport vehicles of Tata Intra Company were parked in the said warehouse, out of which 5 were sold.
5. It is alleged that the applicant approached the informant and told that he would sell the said 55 vehicles.
6. On 25/02/2026, during a six monthly inspection report, it was found that two vehicles out of the said 55 vehicles, bearing registration No. MH-40-CM-6670 and MH-40-CD-6670, were missing from the warehouse. On

conducting the inquiry, the informant came to know that aforesaid two vehicles, each valued at Rs. 4,00,000/- were stolen by the informant. In this background, the FIR came to be registered.

7. The counsel for the applicant has contended that the applicant is not at all involved in the crime. He submitted that in fact, on earlier occasions, he had sold 9 vehicles and had duly remitted the payments of the vehicles. According to him, the applicant is just a broker, and when company realized that the informant and on earlier occasions had received higher commission, the FIR came to be lodged.

8. According to the applicant his custodial interrogation is not required and he is ready to cooperate with the investigating agency.

9. Per contra, the learned APP has argued that since the applicant had proposed that he would sell the vehicles, he was authorized to give test drives of the vehicle to the customers. However, under the grab of giving test drive, two vehicles were stolen. She submitted that just because nine vehicles were sold to the customers through the applicant, and he had paid the amount for the same, would not mean that he was authorized to take away the two vehicles. He submitted that investigation is at preliminary stage, and custody of the applicant is required.

10. With the assistance of the respective counsels, I have gone through the record of the case. In the FIR, it

was categorically mentioned that initially total 55 vehicles were parked and the applicant had proposed that he would sell the vehicles. It is also contention of the learned counsel for the applicant that earlier nine vehicles were sold and also shows that applicant was authorized to deal with the vehicles.

11. The statement of the Security Guard, namely Pramod Singh, which is brought to my notice by the learned APP, reveals that the applicant used to bring customers and, after giving a trial, sell the vehicles. Thus, prima facie, it reveals that the applicant was authorized to deal with the vehicles.

12. The two vehicles were found missing and, as per the inspection report and the preliminary inquiry, it was found that applicant was involved in the offence. The vehicles in question are still not recovered. The investigation of crime is at preliminary stage. Merely because, the payment of nine vehicles was made earlier, it would not mean that the transaction is of commercial in nature. The dispute is not regarding the payment of the earlier vehicles. The dispute is regarding theft of the two vehicles.

13. Since, the prima-facie case is made out, I am not inclined to allow the criminal application. Hence, criminal application is **rejected**.

(RAJNISH R. VYAS, J.)