

Hearing through Video Conferencing

FIR no.007157/2019

U/s 379 IPC

PS Rajouri Garden

23.07.2020

This is the application for release of vehicle bearing no. DL-1CAA-8029 on superdari moved on behalf of the applicant.

Pr: Ld APP for the State.

Ld. Counsel for the applicant Inderjeet Thapar

Naib court, Reader, Ahmad and both the stenographer.

All the above joined through Video Conferencing.

Report has been filed on behalf of IO HC Rakesh. Same be taken on record. Heard. Perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

"1. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

2. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

5. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

6. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-1CAA-8029** in question be released to the rightful/registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak kumar-I)

MM-02(West)/THC/Delhi

23.07.2020