

State Vs. Vehicle No. DL-1SY-3328 (through Applicant Mohd. Sameer)
FIR No. 126/2020
u/s 279/337 IPC
PS I.P Estate

08.07.2020

Present: Sh. Vakil Ahmad, Ld. APP for State (through VCC over Cisco Webex)
Applicant Mohd Sameer (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application from 1:37 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

In furtherance of directions issued through email dated 06.07.2020, Scanned copy of reply has been sent by IO/SI Pratap Singh, through the email id of the court.

Naib Court PS I.P Estate, has telephonically submitted that IO/SI Pratap Singh has sought exemption from appearance through VCC, citing that he is away to his native village. Same is granted in view of reason aforesaid.

This order shall dispose off the application for release of **vehicle no. DL-1SY-3328** on Superdari, moved on behalf of **applicant Mohd. Sameer**.

Reply of IO/SI Pratap Singh, is perused, wherein it is stated that the present case FIR u/s 279/337 IPC was registered upon complaint made by one Sh. Sikandar alleging that he was hit by a bullet rider Mohd. Sameer, in front of LNJP Jhuggi. IO has reported that applicant Mohd. Sameer, is the registered owner of the vehicle in question. It is further reported that vehicle in question is not having a valid insurance. Further, in the status report as received from the IO, he has raised no objection if the vehicle aforesaid is released on superdari in favour of the registered owner.

At this juncture, as it emerges that vehicle in question is an uninsured vehicle having involved in an accident case involving the bodily injury to victim namely Ayan, therefore provisions of Rule 6 of Delhi Motor Accidents Claim Tribunals Rules, 2008 comes into play. The relevant rule is reproduced herein below for a ready reference,

6. Prohibition against release of motor vehicle involved in accident.-(1) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the


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name of registered owner or when the registered owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the court to pay compensation that may be awarded in a claim case arising out of such accident.

(2) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when registered owner of the motor vehicle fails to furnish copy of such policy in circumstance mentioned in sub- rule (1), the motor vehicle shall be sold off in public auction by the magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating police officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

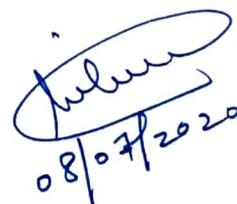
In this context, the observations made by Honble High Court of Delhi in case titled **as Rajesh Tyagi & Ors. vs Jaibir Singh & Ors. FAO No. 842/200 decided on 8th June, 2009**, becomes pertinent to be mentioned. It was observed that;

*The motor vehicles involved in the accident shall not be released on superdari unless the owner and driver have appeared before the Court of MACT and have furnished all the relevant documents i.e. driving license, registration cover, insurance policy, fitness, permit etc. of the offending vehicle before release of the offending vehicle to the owner on superdari. **If the vehicle is not insured, the vehicle shall be released on superdari only after the owner furnishes sufficient security to the satisfaction of the Court to pay the compensation or at least equal to the value of the vehicle.***

Now adverting to the present application, Scanned copy of R/C of vehicle in question, is also sent with application and same is perused. For the purposes of identity applicant has sent scanned copy of his Aadhar card along with the application.

In view of the discussion made above and on perusal of the report of IO along with the copies of documents appended with application, as applicant Mohd. Sameer prima facie appears to be entitled for the custody of the vehicle in question, accordingly his prayer for release of same deserves to be accepted.

In these circumstances and also keeping in view the directions of **Hon'ble High Court of Delhi** in matter of **"Manjit Singh Vs. State"** in Crl. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-


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1. Applicant is directed to furnish security in the form of FDR amounting Rs. 1 Lac undertaking his liability to pay amount of compensation for third party risks, if any awarded by the Ld. MACT, to the satisfaction of this court.
2. Thereafter, The applicant shall furnish indemnity bonds as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO concerned.
2. IO shall verify all the documents of vehicle prior to its release and release the same only upon verification thereof.
3. IO shall prepare detailed Panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
5. The photographs should be attested and counter signed by the complainant and applicant/accused.

Requisite Security is not furnished. The application be put up as and when applicant furnishes the security along with undertaking, as directed today.

Scanned copy of this order is being sent to Sh. Manoj Kumar (Assistant Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant and also for compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
08.07.2020

State Vs. Unknown (through Applicant Navin Soni)

FIR No. 85/2020

PS Rajender Nagar

08.07.2020

Present: Sh. Vakil Ahmad, Ld. APP for State (through VCC over Cisco Webex)
Sh. Rajesh Sharma, Ld. Counsel for applicant (through VCC over Cisco Webex)
IO/SI Ali Akram (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application from 1:37 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

This order shall dispose off the application for release of **vehicle no. DL-1CQ-0147** on Superdari, moved on behalf of **applicant Navin Soni**.

In furtherance of directions issued through email dated 06.07.2020, Scanned copy of status report has been sent by IO/SI Ali Akram, to the email id of the court, wherein it has been stated that he has verified the R/C of the vehicle as well DL of its driver and as per report, Applicant Navin Soni, is the registered owner of the vehicle in question. Further, in the status report as received from the IO, he has raised no objection if the vehicle aforesaid is released on superdari in favour of the registered owner.

IO/SI Ali Akram further submits that since the applicant has supplied the copy of insurance policy of the vehicle to him on 07.07.2020 (evening), therefore same could not be verified due to paucity of time.

Ld. Counsel for applicant submits that the vehicle in question is having the insurance policy valid upto 27.09.2020.

Scanned copies of insurance policy and R/C of vehicle in question, are also sent with application and same are perused. For the purposes of identity applicant has sent scanned copies of his Aadhar card and Driving License along with the application.

On perusal of the report of IO along with the copies of documents appended with application, as applicant Navin Soni prima facie appears to be entitled for the custody of the vehicle in question, accordingly his prayer for release of same deserves to be accepted.


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In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-

- 1. Vehicle in question be released to its applicant/registered owner only subject to furnishing of indemnity bond as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.*
- 2. IO shall verify the insurance policy of the vehicle from concerned insurance company within 2 days from receipt of this order and release the same only upon verification thereof.*
- 3. IO shall prepare detailed Panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.*
- 4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.*
- 5. The photographs should be attested and counter signed by the complainant, applicant and accused.*

Scanned copy of this order is being sent to Sh. Manoj Kumar (Assistant Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant and also to the IO/SHO concerned, for compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

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