

08.07.2020

**Through Video conferencing at 11:45 am.**

Present : Ld. APP for the State.

Sh. Chaman Lal, Ld. Counsel for the applicant Kuldeep Singh joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

Report of IO received electronically.

I have considered the submissions made in the application.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/08.07.2020

08.07.2020

Through Video conferencing at 11:50 am.

Present : Ld. APP for the State.

Sh. Chaman Lal, Ld. Counsel for the applicant Abhishek joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

Report of IO received electronically.

I have considered the submissions made in the application.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/08.07.2020

08.07.2020

**Through Video conferencing at 12:20 pm.**

Present : Ld. APP for the State.

Sh. R.P. Singh, Ld. Counsel for the accused Sonu @ Naresh joined through Cisco Webex.

IO/ASI Bindeshwari joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

Ld. Counsel for accused submits that he has not received complete set of application of IO. The accused is also not joined through video conferencing.

Under these circumstances, let the application and the documents, if any be sent to the e-mail ID of Ld. Counsel for accused.

Ld. Counsel for accused is directed to intimate the accused.

Be put up for consideration on application of IO/FP on 09.07.2020.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/08.07.2020



08.07.2020

Through Video conferencing at 12:40 pm.

Present : Ld. APP for the State.

Sh. Pulkit Jain, Ld. Counsel for the accused Vikas Jain joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge joined through Cisco Webex.

Reply of Dy. Superintendent, Central Jail No.7, Tihar physically received by Ahlmad. Copy of same supplied electronically to Ld. Counsel for accused.

Application stands disposed off accordingly.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/08.07.2020

08.07.2020

**Through Video conferencing at 11:55 am.**

This is an application for releasing vehicle bearing registration number DL-6SAX-3239 on superdari.

Present : Ld. APP for the State.

Applicant Chetan Rathi joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge joined through Cisco Webex.

IO has filed his reply electronically. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released 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.

*Hon'ble High Court of Delhi* in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"68. 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.

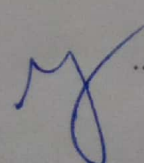
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. 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.

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

72. 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.

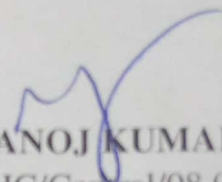
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-

: 2 :

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-6SAX-3239 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the application, reply and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/08.07.2020