

23.06.2020

This is an application for releasing vehicle bearing registration number DL-8SBR-7635 on superdari.

Present : Ld. APP for the State.

Applicant Kamal Singh not joined the meeting despite intimation.

IO has filed his reply. 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.

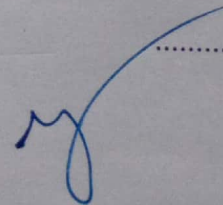
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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/-



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Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number DL-8SBR-7635 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.

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 applicant and 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-03/THC/Central/23.06.2020

23.06.2020

Through Video conferencing at 11:20 am.

Application for grant of interim bail to applicant/accused.

Present : Ld. APP for the State.

Sh. Ashish Kumar Ojha, Ld. Counsel on behalf of accused Jahiruddin joined through Cisco Webex.

This is an application for grant of interim bail to applicant/accused. Ld. Counsel argued that applicant/accused is in JC since 16.06.2020 and not involved in any other case. He further argued that due to pandemic COVID-19, lenient view may be taken against him and he may be released on interim bail as per the directions of Hon'ble High Court.

Reply of IO has been filed electronically. Perusal of the reply shows that investigation is at initial stage and co-accused persons are still to be arrested.

Submissions heard. Perused.

Considering that investigation is at initial stage and not even 15 days got lapsed from the time of arrest of applicant/accused, so he is not entitled for grant of interim bail as per the directions of "High Powered Committee" of Hon'ble High Court of Delhi. So, application for grant of interim bail is hereby rejected.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail 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/Central/23.06.2020

23.06.2020

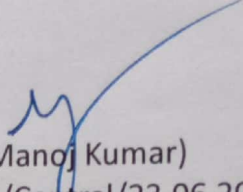
File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

None.

In the present matter, accused has not engaged his counsel till date. So, no effective hearing can take place.

Under these circumstances, be put up for arguments on charge on 28.09.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.


(Manoj Kumar)
MM-06/Central/23.06.2020

23.06.2020

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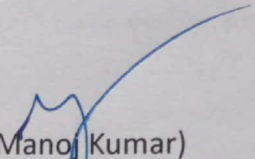
Present : Ld. APP for the State.

None.

In the present matter, mobile number of counsel is not mentioned on vakalatnama. So, no effective hearing can take place.

Under these circumstances, matter is adjourned.

Be put up for arguments on charge on 28.09.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.


(Manoj Kumar)
MM-06/Central/23.06.2020

23.06.2020

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MM-06/Central/23.06.2020

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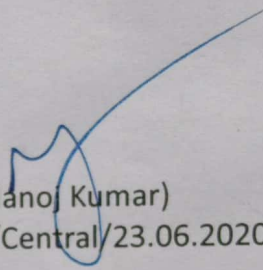
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Present : Ld. APP for the State.

None.

Ld. Counsel for accused telephonically informed to the Reader that he seeks time to argue in this matter. So, no effective hearing can take place.

Under these circumstances, be put up for order on 25.07.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.


(Manoj Kumar)
MM-06/Central/23.06.2020