

State V/s Vicky
FIR No. 304/20
P.S. Sadar Bazar
U/S 356/379/411/34 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Vicky s/o Late Amar Nath.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Bhagwan Singh Rathore, Id. Counsel for applicant/accused has joined meeting through Cisco Webex.

It is submitted by Ld. Counsel for applicant/accused that accused is innocent. Ld. Counsel for accused submitted that the accused runs a ready-made garment shop in Pahar Ganj and he found the stolen mobile phone lying unclaimed behind his shop since 10 days without any SIM card and thus, he started using the same. It is submitted that the accused acted bona fide since on receiving a call from the police on the said number, the accused himself took the mobile phone to the police. It is further submitted that accused has clean antecedents and has not been previously involved in any case. It is further submitted that the accused is the sole bread earner of his family and has two minor children. Therefore, it has been prayed that applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of reply shows that on 11.11.2020, an unknown person snatched complainant's mobile phone and ran away. During investigation, the police traced the call detail records through which it was found out that the accused was using the said mobile phone and the same was recovered from the accused. It is stated that the accused may commit similar types of offences again, if enlarged on bail.

Contd:-

Ld. APP for the State has opposed the bail application on the ground that the case property i.e. the stolen mobile phone has been recovered from the possession of the accused. It is further submitted that the accused acted in a mala fide manner since the accused made no efforts to inform the police about an unclaimed mobile phone lying behind his shop since 10 days and started using the same for his own use.

Heard. Perused. Considering the submissions made and the circumstances that past antecedents of the accused are clean, accused is the sole bread earner of his family with the responsibility to maintain his two minor children, recovery has already been effected and accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the accused behind bars. Hence. accused Vicky is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10.000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

- 1. That the accused person(s) shall join investigation as and when called.**
- 2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the accused person(s) shall not commit similar offence and;**
- 4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.**

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

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(SHIVLI TALWAR)

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Date: 2020.11.24
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MM-06(C)/THC/Delhi/24.11.2020

State V/s Bhawna
e-FIR NO. 000530/20
P.S. Sadar Bazar
U/s 379/411 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

This is an application for releasing of mobile make Oppo A83 bearing IMEI No. 868839033322233 & 868839033322225 on superdari filed by applicant electronically.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Mr. Gaurav Solanki, applicant has joined the meeting through Cisco Webex.

Reply filed by the IO electronically. Same is taken on record, wherein it is submitted by the IO that he has no objection in releasing the mobile to the rightful owner. The mobile of make **Oppo A83 bearing IMEI No. 868839033322233 & 868839033322225** is no more required for the purpose of investigation. Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Oppo A83 bearing IMEI No. 868839033322233 & 868839033322225** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

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

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Date:
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MM-06(C)/THC/Delhi/24.11.2020

State V/s Jahiruddin etc.
FIR NO. 263/20
P.S. Civil Lines
U/s 379/411/34 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Fresh charge-sheet filed. It be checked and registered, as per rules.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

IO HC Mahesh in person.

Accused Mustak is stated to be in J/C.

Accused Muktar Alam and Jahiruddin are stated to be on Court bail.

I have perused the contents of the charge-sheet. I take cognizance of the offence.

Let copy of charge-sheet alongwith documents be sent to the concerned Jail Superintendent with direction to supply the same to accused Mustak. Concerned Jail Superintendent is directed to file the compliance report on NDOH.

Let production warrants be issued against accused Mustak for 08.12.2020.

Issue summons to accused Muktar Alam and Jahiruddin for the NDOH.

Jail Superintendent is directed to ensure the presence of accused Mustak through V.C. on the next date of hearing.

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(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/24.11.2020

State V/s Vishal Singh
FIR NO. 363/20
P.S. Civil Lines
U/s 392/394/397/411/34 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

None has joined the meeting through Video conferencing.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

None on behalf of applicant has joined meeting through
Cisco Webex.

An application seeking supply of copy of FIR has been moved by Ld.
Counsel for the applicant electronically.

Reader has apprised the Court that copy of FIR has already been
supplied electronically to Ld. Counsel for the applicant last night.

In view of same, the present application stands disposed off.

One copy of the order be uploaded on Delhi District Court Website.

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MM-06(C)/THC/Delhi/24.11.2020

State V/s Tabassum
FIR NO. 115/18
P.S. Sadar Bazar
U/s 498A/304B/306/34 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Ld. Counsel for accused Tabassum has also joined the meeting through Cisco Webex.

Perusal of the record reveals that the main charge-sheet has already been committed to the Court of Sessions and the same is pending before the Court of Ms. Neelofer Abida Perveen, Ld. ASJ.

It is stated by Ld. Counsel for accused that the supplementary charge-sheet alongwith complete documents have been supplied to the accused.

The main charge sheet has already been committed to the Court of Sessions. Hence, let the present supplementary charge sheet be sent to the court of the Ld. District & Sessions Judge, Central District, Tis Hazari, Delhi for **28.11.2020 at 2:00 PM** with the submissions that the main charge sheet is pending before the Court of Ms. Neelofer Abida Perveen, Ld. ASJ.

Accused is directed to appear before the court of the Ld. District & Sessions Judge, Central District, Tis Hazari, Delhi on 28.11.2020 at 2:00 PM.

Ahalmd is directed to send the file well in advance.

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MM-06(C)/THC/Delhi/24.11.2020

State V/s Krishan @ Leelu
FIR NO. 00102/19
P.S. Sadar Bazar
U/s 379/411/34 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Sunil Tiwari, Ld. Counsel for applicant/surety Sh. Satish Kumar, has joined the meeting through Cisco Webex.

An application for releasing of FDR/Cancellation of endorsement has been filed electronically on behalf of applicant.

It is submitted by Ahlmad of the Court that the FDR is not traceable and therefore, he seeks some time to trace out the same.

Heard. In view of the aforesaid, Ahlmad is directed to trace out the

FDR and produce the same on 01.12.2020.

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(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/24.11.2020

Suraj Singh Vs Branch Manager SBI
P.S. Sadar Bazar
Case No. 5768/20

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

Present : Mr. Dalveer Singh, Ld. Counsel for complainant has joined meeting through Cisco Webex.

ATR has been filed electronically on behalf of IO. Copy of same has been supplied to ld. Counsel for the complainant electronically.

Perusal of reply shows that IO seeks some more time to investigate the matter.

In view of submissions, let fresh notice be issued to IO to file fresh status report on 22.12.2020.

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MM-06(C)/THC/Delhi/24.11.2020

State V/s Cancellation
FIR NO. 265/17
P.S. Sadar Bazar
U/s 363 IPC

24.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Mr. Manish, Ld. Counsel for applicant/complainant has joined meeting through Cisco Webex.

An application for early hearing has been filed electronically on behalf of complainant.

Heard. Application perused. Considering the submissions made in the application, same stands allowed.

Be put up for 15.12.2020.

Earlier date fixed i.e. 03.04.2021 stands canceled.

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(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/24.11.2020