

FIR no.182/2020
PS RG

26.05.2020

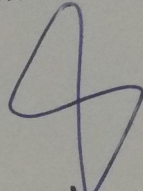
This is application for release of vehicle bearing no. DL-9CAP-5512 on superdari.

Present : Ld. APP for the State.

None for applicant despite repeated calls.

It is submitted by Naib court of PS Rajouri Garden that the vehicle in question has already been released on superdari.

In view of the above, the application stands disposed off being non maintainable.


(Deepak Kumar-I)
Duty MM (West) 02/THC/Delhi
26.05.2020



①

IN THE COURT OF SH. LD. JUDGE (WEST) T.H.C.
DELHI NEW DELHI-110054

20/5/20 to file IN THE MATTER OF -
Report on 26/5/20

STATE

VS RANJEET AND ORS
F.B.R. No- 168/2020

CRS - 20/25/29 N.O.P.S. ACT
P.S. → RAJOURI GARDEN

~~D.M.M. / w.l.l.~~
25/5/20

Application on behalf of the applicant/accused/ Regd. owner Sh. Ranjeet s/o Ganga Pradhan, P.O. - H.No-244 Gali No- A/12 Ground Floor Greeta Colony New Delhi for Releasing the vehicle Bearing no. DL65AD7389 and mob. phone vivo and one Black color Pans and 2 D. Carred and PS-210 and P.C., A.F.M. Insurance. Achar Carred & D.L. E.T.C. on Superdary -!

R - copy for
appkt.

Report be
called Sup
to regarding
clearly stated
in the matter
pertains to
this court
or Lt. Spl. C.
N.O.P.S. Cund.

most Respectfully showeth -!

That the above said vehicle has been seized by the Police official of P.S Rajouri Garden on dated 04/03/2020 and the same is lying in the malkhana of the concerned P.S.

② That the applicant/accused is the Regd. owner of the above said vehicle and the applicant wants to take the vehicle and is entitled to take vehicle on Superdary.

③ That the applicant/accused is ready to abide by any condition if imposed while releasing the vehicle on Superdary. The applicant further undertakes not to sell or dispose of the above stated vehicle without prior permission of this Hon'ble Court.

Be put
on 30/05/2020
before
Lt. Spl. C.
M.M.

26/05/2020
D.M.M.

①

FIR no.168/2020
PS Nihal Vihar
U/s 25/54/59 Arms Act
St. Vs. Kishan

26.05.2020

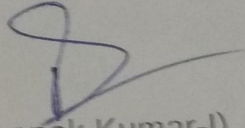
Present : Ld. APP for the State.

Ld. counsel on behalf of the accused.

This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is in JC since 13.03.2020. Recovery has already been effected. Charge-sheet is stated to have been already filed. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.


(Deepak Kumar-I)
MM (West)-02/THC/Delhi
26.05.2020

FIR No.637/2019
PS : Tilak Nagar
U/s 380/457/34 IPC
St. Vs. Shitu

26.05.2020

Present : Ld. APP for State.

Ld. counsel for accused.

This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is stated to be in JC since 20.05.2020. No previous involvement has been reported. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case and nature of the offence, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 20,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.

Copy of the order be given *dasti* to Ld. Counsel for accused as prayed for.

(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.103/2020
PS Nangloi

26.05.2020

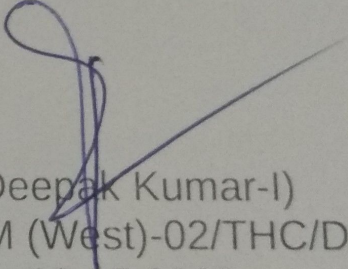
An application for grant of bail u/s 437 Cr.P.C of accused/applicant Sher Singh has been moved.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.162/2020
PS Mundka

26.05.2020

An application for release of vehicle bearing no. DL-8SCS-5851 has been moved.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

201
②
IN THE COURT OF THE DUTY MAGISTRATE, LD. MM,
DISTT. WEST, TIS HAZARI, DELHI

PERFORMA FOR URGENT HEARING*
(TO BE FILLED BY LAWYER/LITIGANT)
(FOR CRIMINAL MATTERS)

Shots to report on
29/5/20 before DM

DM/315 Brief description of the case/application:

Application for release of vehicle
no.GJ-15-CD-1283 on superdari. The
charge sheet has been filed and NDOH -
09.06.2020

2. Name of Judicial District : WEST District

3. FIR NO. and Police Station :

FIR NO.: 034517/2018 & U/S 379/411 IPC
P.S. PUNJABI BAGH ISC Crime Branch-
Chanakiya puri

4. Offence Reported : U/S 379/411 IPC

5. Whether the chargesheet has been filed
if so, the Name of the trial Court: Yes
trial of the case is going on before t
court of Ld. CMM, West, Tis Hazari Co
Delhi

6. Whether the application is first

lication: Yes.

FIR No. 376/2020
PS Rajouri Garden
State Vs. Happy @ Kamal Kaliya S/o Ramesh Kumar Kaliya
U/s379/511/34/188/269 IPC

24.05.2020

**Application for status report regarding illegal detention
of applicant / accused filed on behalf of applicant.**

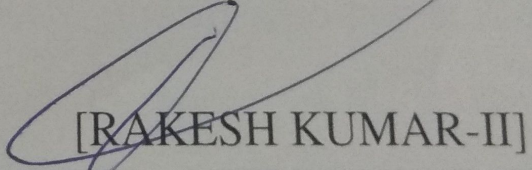
Present: Ld. APP for the State

None on behalf of the applicant.

Reply of Jail Superintendent filed. Reply perused. Jail Superintendent is directed to release the applicant if the address of accused is verified as per the directions of the Court vide order dated 20.05.2020 and accused is not required in any other case.

**Copy of this order be sent to the concerned Jail
Superintendent.**

Application stands disposed off.


[RAKESH KUMAR-II]

Duty MM(West)/THC/Delhi:24.05.2020

FIR no.178/2020
PS Naraina

26.05.2020

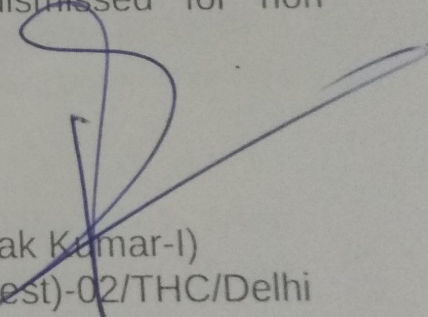
An application for release of vehicle bearing no. DL-1LY-6638 has been moved.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

E.FIR no.04556/2020
PS Hari Nagar
U/s 411/34 IPC
St. Vs. Parmod @ Ganja

26.05.2020

Present : Ld. APP for the State.

Ld. counsel for accused.

This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is in JC since 12.03.2020. Recovery has already been effected. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.

Copy of the order be given *dasti* to Ld. Counsel for accused as prayed for.

(Deepak Kumar-I)
Duty MM(West)/THC/Delhi
26.05.2020

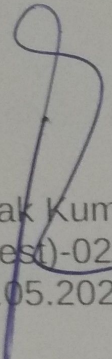
FIR no.296/2020
PS Kirti Nagar

26.05.2020

Present : Ld. APP for the State.

None for applicant despite repeated calls.

Be put up before Ld. Duty MM concerned for 30.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.548/2020
PS Punjabi Bagh

26.05.2020

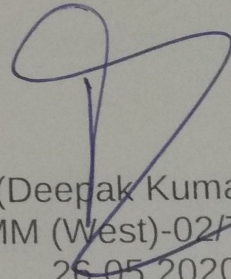
Present : Ld. APP for the State.

None for applicant despite repeated calls.

Report also not filed.

Let the report be called from the IO/SHO concerned for

30.05.2020.



(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.540/2020
PS Nangloi

26.05.2020

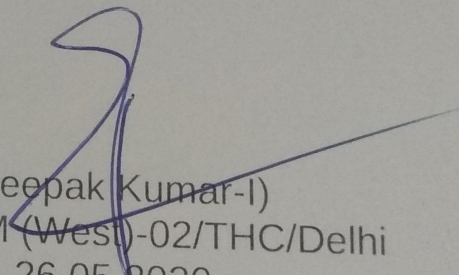
This is application for release of vehicle bearing no. DL-4CAW-0851 on superdari.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.152/2010
PS Rajouri Garden

26.05.2020

This is application for extending interim bail by the next date of hearing i.e. 22.08.2020.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.

(Deepak Kumar I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.20/2020
PS Nihal Vihar

26.05.2020

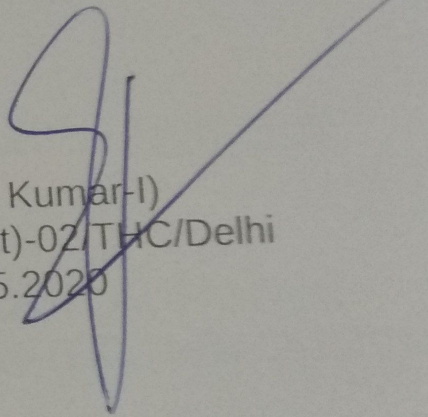
Present : Ld. APP for the State.

None for applicant despite repeated calls.

Report also not filed.

Let the report be called from the IO/SHO concerned for

30.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

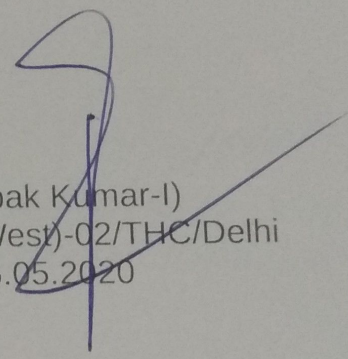
FIR no.172/2020
PS Nihal Vihar
St. Vs. Deepu

26.05.2020

Present : Ld. APP for the State.

None for applicant despite repeated calls.

Be put up before Ld. Duty MM concerned on 29.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.13674/2016
u/s 138 NI Act

26.05.2020

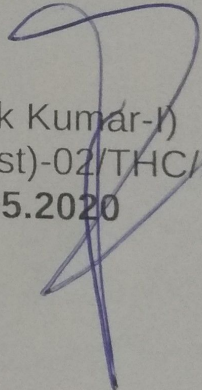
Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.

(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020



FIR no.183/2020
PS Hari Nagar

26.05.2020

An application for release of vehicle bearing no. DL-4SDA-1185 has been moved.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.

(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.183/2020
PS Hari Nagar

26.05.2020

An application for release of vehicle bearing no. DL-4SDA-1185 has been moved.

Present : Ld. APP for the State.

None has appeared on behalf of the applicant.

Earlier also none had appeared to pursue the present application.

Accordingly, the present application is dismissed for non prosecution.

(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.5504/2017
u/s 138 NI Act

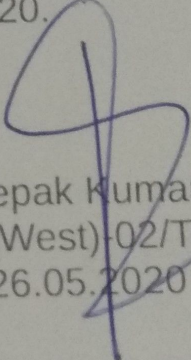
26.05.2020

Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.13677/2016
u/s 138 NI Act

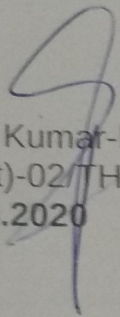
26.05.2020

Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.13676/2016
u/s 138 NI Act

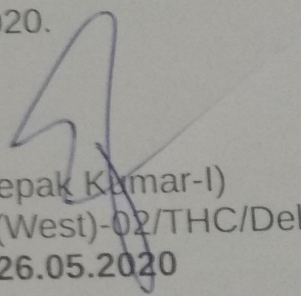
26.05.2020

Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.13675/2016
u/s 138 NI Act

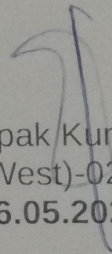
26.05.2020

Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

Case no.13675/2016
u/s 138 NI Act

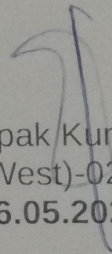
26.05.2020

Present : Counsel for accused.

File not put up before the court.

Ahlmad is directed to contact the concerned Ahlmad on his mobile phone to ensure that the file is put up before the Ld. Duty MM concerned on 27.05.2020.

Be put up for consideration on 27.05.2020.


(Deepak Kumar-I)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.434/2020
PS RG
U/s 33/38/58 Delhi Excise Act
St. Vs. Prem Singh

26.05.2020

Present : Ld. APP for the State.

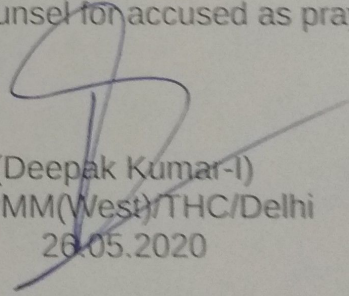
Ld. counsel for accused.

This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is in JC since 08.05.2020. Recovery has already been effected. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.

Copy of the order be given *dasti* to Ld. Counsel for accused as prayed for.


(Deepak Kumar-I)
DutyMM(West)/THC/Delhi
26.05.2020

FIR no.294/2020
PS Punjabi Bagh

26.05.2020

This is an application for releasing vehicle No. DL-10CG-9366 on superdari.

Present:- Ld. APP for the State.

Applicant Vinod Kumar with counsel.

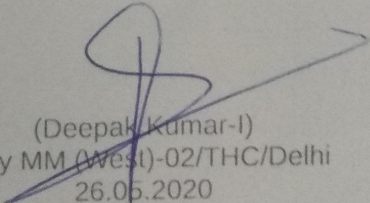
Report has been filed on behalf of IO. Same be taken on record. Heard. Perused.

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 CrI. 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-10CG-9366** 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)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.412/2020
PS Paschim Vihar

26.05.2020

This is an application for releasing vehicle No. DL-8SCL-2272 on superdari.

Present:- Ld. APP for the State.

Applicant Bijender in person.

Report has been filed on behalf of IO. 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 CrI. 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-8SCL-2272 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)
Duty MM (West)-02/THC/Delhi
26.05.2020

FIR no.168/2020
PS Nihal Vihar
U/s 25/54/59 Arms Act
St. Vs. Kishan

26.05.2020

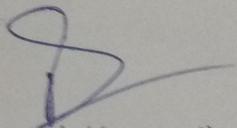
Present : Ld. APP for the State.

Ld. counsel on behalf of the accused.

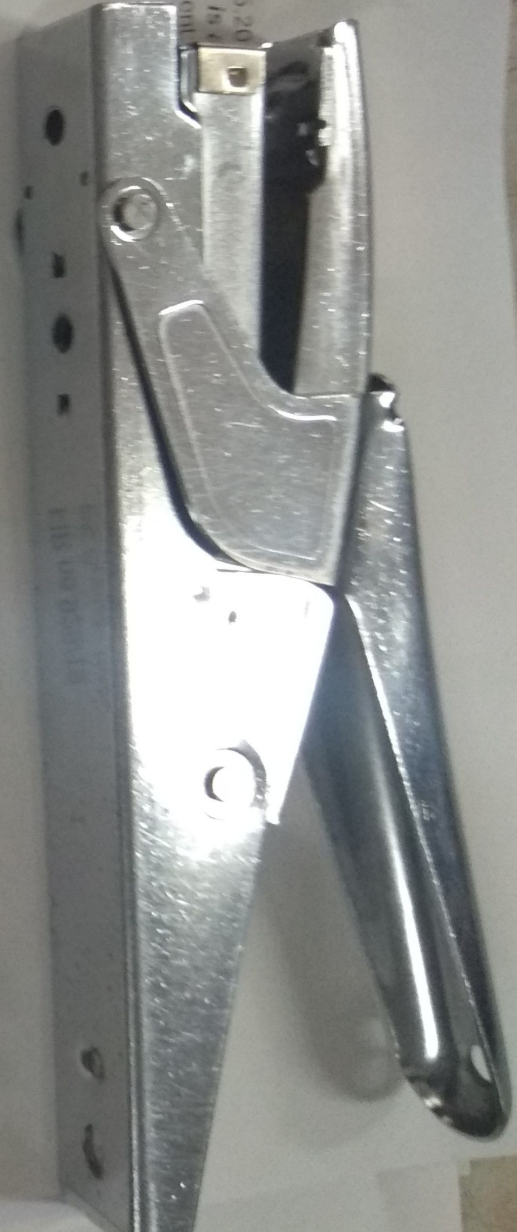
This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is in JC since 13.03.2020. Recovery has already been effected. Charge-sheet is stated to have been already filed. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.


(Deepak Kumar-I)
MM (West)-02/THC/Delhi
26.05.2020

26.05.20
THIS IS
Present



FIR no 928/19
PS Punjabi Bagh
SI. Vs. Gaurav @ Gor S/o Jagpal
U/s 379/411

26.05.2020

This is application seeking report from the Jail Authority
concerned qua the release of accused Gaurav @ Gori.

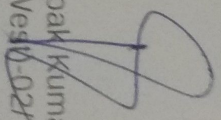
Present : Ld. APP for the State.

None for the applicant despite calls.

Report received from the Jail Superintendent concerned.

As per the report of the Deputy Superintendent, Central Jail
no.3, Tihar, accused was not released from JC as he is required in
another case FIR no.137/2020 PS Punjabi Bagh and FIR no.034513/2019
PS Hari Nagar.

In view of the above, the present application stands disposed
of.


(Deepak Kumar-1)
Duty MM (West-02)THC/Delhi
26.05.2020

26.05.2020

26.05.2020
Prakash Kumar
Sd/- Prakash Kumar
Prakash Kumar
26.05.2020

This is application seeking report from the Jail Authority
concerned regarding the release of accused Gaurav @ Gauri.

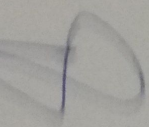
Person: Lt. JPR for the State.

None for the applicant designate calls.

Report received from the Jail Superintendent concerned.

As per the report of the Deputy Superintendent, Central Jail
m/s. That accused was not released from JC as he is required in
another case FIR no. 123/2000 P.S. Poojari Bagh and I.R. no. 034513/2019
P.S. Hanu Nagar.

In view of the above, the present application stands disposed
of.

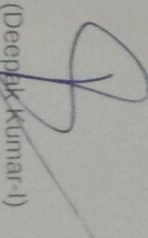

(Deepak Kumar +1)
Dy. Sd/- (West) JPR-HC/Delhi
26.05.2020

26.05.2020
This is an application for releasing vehicle No. DL-1CAB-2650 on superdari,
Present:- Ld. App for the State,

Applicant Govind Khangawal in person,

Report has been filed on behalf of IO. 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 CrI. 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-
1CAB-2650** 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 dasiti to applicant.


(Deepak Kumar-1)
MM (West)-02/THC/Delhi
26/05.2020