

28.07.2020

Through Video conferencing at 11:35 am.

This is an application for releasing articles i.e. RC and insurance policy of vehicle bearing number DL-8C-AC-0925.

Present : Ld. APP for the State.

Sh. B.K. Wadhwa, Ld. Counsel for applicant Baldev Raj Rana joined through Cisco Webex.

IO has filed his reply electronically. Copy of same supplied to Ld. Counsel for applicant electronically. Heard.

Application is considered and allowed subject to furnishing of superdarinama in the sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the satisfaction of IO and further subject to the condition that applicant shall produce the same before the Court as and when directed to do so.

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/28.07.2020

28.07.2020

This is an application for releasing vehicle bearing registration number DL-1RM-2365 on superdari.

Present : Ld. APP for the State.

Applicant Sh. Mashkur Khan has not joined meeting despite intimation.

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.

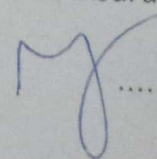
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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."

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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-1RM-2365 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 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/28.07.2020

28.07.2020

This is an application for releasing articles i.e. RC and DL of vehicle bearing number UP-13BN-3922.

Present : Ld. APP for the State.

Sh. Anuraj Sharma, Ld. Counsel for applicant Deepak Giri.

Reply of IO not filed.

IO is directed to file reply to the said application on 29.07.2020.

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.

(MANOJ KUMAR)

MM-06/THC/Central/28.07.2020

28.07.2020

Through Video conferencing at 11:30 am.

This is an application for releasing vehicle bearing registration number DL-3SEL-3036 on superdari.

Present : Ld. APP for the State.

Sh. M.Z. Qureshi, Ld. Counsel for applicant Ms. Noor Jahan Begum 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.

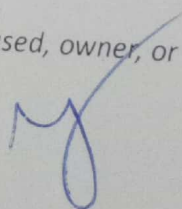
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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."

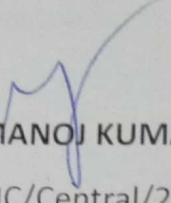


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: 2 :

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-3SEL-3036 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 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/28.07.2020

28.07.2020

Through Video conferencing at 11:00 am.

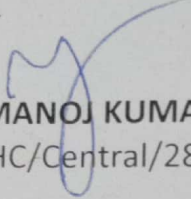
Present : None for the State.

IO/SI Nikhil Malik joined through Cisco Webex.

Charge-sheet perused.

IO is directed to file final order in case FIR No.63/20 PS Crime Branch passed in the Court of Ms. Gurmohina Kaur, Ld. CMM, South East District, Saket Courts. Only those copy of order be filed which pertains to the accused persons in the present case.

Be put up for filing final order in case FIR No.63/20 PS Crime Branch/consideration on charge-sheet on 30.07.2020. One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar


(MANOJ KUMAR)

MM-06/THC/Central/28.07.2020

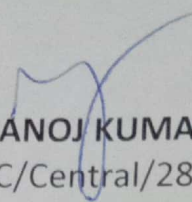
FIR No.39/20
PS : Sadar Bazar

28.07.2020

This is application under Section 195 Cr. P.C.

Present : None.

Be put up for consideration on 30.07.2020.


(MANOJ KUMAR)

MM-06/THC/Central/28.07.2020

28.07.2020

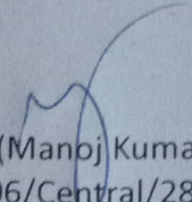
This is fresh charge-sheet filed. It be checked and registered.

Present : None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020


(Manoj Kumar)
MM-06/Central/28.07.2020

28.07.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020

(Manoj Kumar)
MM-06/Central/28.07.2020

28.07.2020

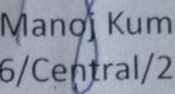
This is fresh charge-sheet filed. It be checked and registered.

Present : None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020


(Manoj Kumar)
MM-06/Central/28.07.2020

FIR No.69/20
P.S. Sadar Bazar
CIS No. 3633/2020

28.07.2020

This is fresh charge-sheet filed. It be checked and registered.

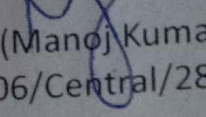
Present :

None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020


(Manoj Kumar)
MM-06/Central/28.07.2020

FIR No.78/20
P.S. Sadar Bazar
CIS No. 3632/2020

28.07.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020

(Manoj Kumar)
MM-06/Central/28.07.2020

FIR No. 100/20
P.S. Sadar Bazar
CIS No. 3631/2020

28.07.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : None for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on

11.08.2020

(Manoj Kumar)
MM-06/Central/28.07.2020