

01.07.2020

Through Video conferencing at 11:20 am.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Abraham, Ld. Counsel for the applicant Veeru joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if bullock cart 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 Crl. 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.*

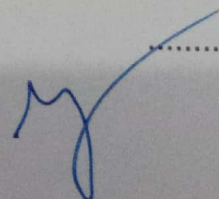
*70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.*

*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/-



Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, bullock cart be released to the applicant by IO, on furnishing security bond as per the valuation report of bullock cart and after preparation of panchnama and taking photographs of bullock cart 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/01.07.2020

01.07.2020

Through Video conferencing at 11:30 am.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Abraham, Ld. Counsel for the applicant Keshav Kumar joined through Cisco Webex.

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.

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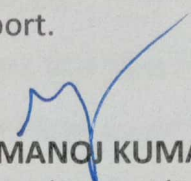
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(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020

01.07.2020

Through Video conferencing at 11:40 am.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Abraham, Ld. Counsel for the applicant Vicky joined through Cisco Webex.

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.

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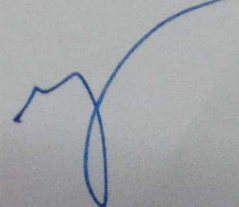
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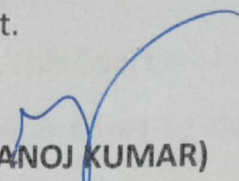
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(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020

01.07.2020

Through Video conferencing at 11:50 am.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Abraham, Ld. Counsel for the applicant Tanuj joined through Cisco Webex.

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.

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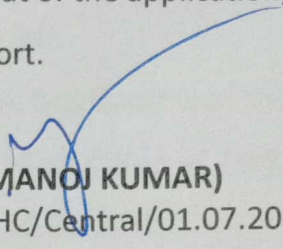
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(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020



01.07.2020

Through Video conferencing at 12:00 pm.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Abraham, Ld. Counsel for the applicant Vinod Kumar joined through Cisco Webex.

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 Crl. M.C. No.4485/2013 dated 10.09.2014.

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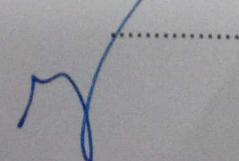
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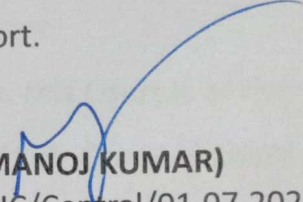
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(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020

01.07.2020

Through Video conferencing at 12:10 pm.

This is an application for releasing bullock cart on superdari.

Present : None for the State.

Sh. Ajay Sharma, Ld. Counsel for the applicant Abdul Rehman joined through Cisco Webex.

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.

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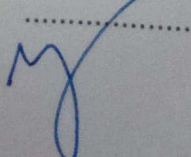
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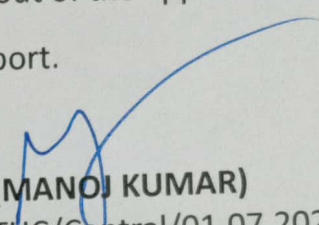
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(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020

01.07.2020

Joined through Video conferencing from 12:10 to 12:30 pm

Present : None for the State.

Sh. M.M. Beg, Ld. Counsel for the accused Abdul Khalik joined through Cisco

Webex.

Accused is absent.

Arguments on point of charge heard.

Put up for order/clarifications, if any on 07.08.2020.

(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020

01.07.2020

Through Video conferencing from 12:30 to 12:40 pm.

Present : None for the State.

IO/HC Vikendra Kumar, No.2709/N, PS Sadar Bazar joined through Cisco Webex.

IO filed an application electronically for sending one lady to Nirmal Chaya.

IO/HC Vikendra Kumar submits that during emergency duty on 03.06.2020, he found a lady at Jhandewalan road, Sadar Bazar, Delhi. During inquiry, he came to know that the lady is deaf and dumb. The said lady is illiterate also. So, the whereabouts of lady could not be traced out. IO further submits that thereafter, W/PSI Sharmila Yadav joined the inquiry and medical examination of the said lady got conducted at Bara Hindu Road Hospital. Thereafter, the lady was handed over at Babnu Ghar, Bhagwan Das Road, New Delhi. IO further submits that the same is a government run institute for homeless females.

IO further submits that thereafter, other requisite formalities to trace out the family members of lady were done including hue and cry notice, W/T message etc. He further submits that despite efforts, family members of the said lady are not traceable. So, he requests that the said lady may be transferred to Nirmal Chaya complex for her further custody.

Heard.

The said lady not produced through video conferencing. The lady was not produced before the Magistrate for the last one month. No order from magistrate for her safe custody in any government institution has been taken. IO submits that the lady was sent to Babnu Ghar on the direction of the senior officers.

Under these circumstances, IO is directed to produce the lady (Kumkum) through Superintendent/care taker of Babnu Ghar through Cisco Webex.

Be put up on **03.07.2020 at 11:00 am**. 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 and the order be kept for records.

(MANOJ KUMAR)

MM-06/THC/Central/01.07.2020