

13.08.2020

*This is an application for releasing vehicle bearing registration number DL-4SDV-5078 on superdari.*

Present : Ld. APP for the State.

Applicant Mukesh Kumar has not joined 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.**

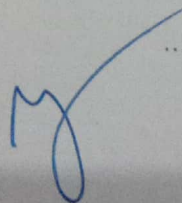
70. *The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.*

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.*

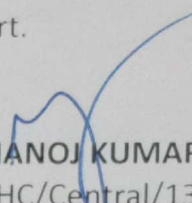
73. *If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."*

.....Contd/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number *DL-4SDV-5078* 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 Sadar Bazar. 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/13.08.2020

FIR No. 141/20

PS –Sadar Bazar

13.08.2020

Present : Ld. APP for the State.

Sh. Sunil Tiwari, Ld. Counsel on behalf of applicant/accused Abhishek @ Nan.

This is an application under Section 437 Cr. P.C. for grant of bail of applicant/accused.

Wrong reply has been filed by IO electronically.

Let, fresh notice be issued to IO/SHO to file reply to the application of applicant/accused Abhishek @ Nan on 14.08.2020.

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. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

13.08.2020

Joined through Video conferencing at 10:20 am.

Present : Ld. APP for the State.

IO/ASI Ved Prakash has joined through Cisco Webex.

IO has filed an application electronically for providing copy of statement under Section 164 Cr.P.C. IO has not mentioned which Court/Magistrate recorded the statement under Section 164 Cr. P.C.

Under these circumstances, present application is dismissed.

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 out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

13.08.2020

Joined through Video conferencing at 10:25 am.

Present : Ld. APP for the State.

MHC(M) has joined through Cisco Webex.

None for the claimant.

MHC(M) has moved an application electronically for disposal of case property.

As per the application, case has already been disposed off.

Application stands disposed off accordingly.

Accordingly, case property in question be deposited to District Nazir.

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 out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

13.08.2020

Joined through Video conferencing at 11:50 am.

Present : Ld. APP for the State.

Sh. Abhishek Kumar Singh, Ld. LAC for the applicant/accused Aftab and Sahabuddin joined through Cisco Webex.

These are two bail applications under Section 437 Cr. P.C. for grant of bail of applicant/accused Aftab and Sahabuddin.

IO has filed reply to the said applications electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that there is no such FIR registered in the PS.

At this stage, Ld. LAC for applicants/accused persons submits that he wants to withdraw the present bail applications. Heard.

In view of the same, present bail applications stands disposed off as withdrawn. 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 applications, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

13.08.2020

Joined through Video conferencing at 10:50 am.

Present : Ld. APP for the State.

Convict in person along-with Ld. Counsel Sh. Suresh Jha joined through webex.

Victim Arun Negi in person.

Remaining injured persons/victims are absent.

Probation report of convict received. Same is taken on record.

Let, fresh notice be issued to all the injured persons/victims for consideration on point of sentence.

Be put up for hearing on point of sentence/FP on 25.08.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

13.08.2020

Present : Ld. APP for the State.

Applicant Nafe Singh has not joined meeting.

No reply filed by IO.

It is intimated by concerned Naib Court that IO is busy in Independence Day arrangement duty.

IO is directed to file reply on 17.08.2020.

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/13.08.2020



13.08.2020

Joined through Video conferencing at 11:15 am.

Present : Ld. APP for the State.  
Sh. Rajiv Kumar, Ld. Counsel for accused John has joined through Cisco Webex.  
No other accused has joined meeting.  
No adverse order is passed.  
Be put up for purpose already fixed for 05.11.2020.  
One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

FIR No. 409/07

PS –Sadar Bazar

13.08.2020

Joined through Video conferencing at 11:15 am.

Present : Ld. APP for the State.

Sh. Deepak Singh, Ld. Counsel along-with accused N.C. Gupta joined through  
Cisco Webex.

No other accused has joined meeting.

Be put up for purpose already fixed for 07.10.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020

FIR No. 482/14

PS –Civil Lines

Case No.2906/16

13.08.2020

Joined through Video conferencing at 11:00 am.

Present : Ld. APP for the State.

Sh. Rahul Tandon, Ld. Counsel for the accused Birbal has joined through Cisco

Webex.

Be put up for purpose already fixed for 07.10.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/13.08.2020