

13.07.2020

**Through Video conferencing at 11:30 am.**

*This is an application for releasing article i.e mobile phone.*

Present : Ld. APP for the State.

Sh. S.S. Malik, Ld. Counsel for applicant Ms. Anita joined through Cisco Webex.

IO has filed his reply electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

*"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.*

*60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.*

*61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.*

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. 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 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/13.07.2020



13.07.2020

*This is an application for releasing articles i.e. Rs.3500/- and document i.e. Adhar*

**Card.**

Present : Ld. APP for the State.

Applicant Dr. Mohd. Zulfikar Ali not joined meeting despite intimation.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, articles in question as per reply be released to the applicant on furnishing security bond as per valuation report of the articles and after preparation of panchnama and taking photographs of articles as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the articles prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. 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/13.07.2020

State Vs. Rohit @ Gunga

PS : Sadar Bazar

U/s. 25/54/59 Arms Act

13.07.2020

Through Video conferencing at 11:40 am.

Present : Ld. APP for the State.

Sh. Yashraj, Ld. Counsel for applicant Rohit @ Gunga joined through Cisco Webex.

This is an application under Section 207 Cr. P.C. for supply copy FIR.

Ld. Counsel for applicant/accused submits that he has received copy of FIR from Delhi Police website.

At this stage, Ld. Counsel for applicant/accused submits that he wants to withdraw the present application. Heard.

In view of the same, present application stands allowed to be 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 application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/13.07.2020



FIR No. 324/93, 434/95, 41/96, 168/96, 97/93, 270/96,  
237/98, 121/98, 186/20, 374/2000

PS : Sadar Bazar

13.07.2020

Through Video conferencing from 11:50 to 12:10 pm.

Present : Ld. APP for the State.

MHC/M HC Dharampal joined through Cisco Webex.

None for the claimant.

Vide this common order, I am disposing off the applications for disposal of case property.

IO has filed applications electrically 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 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/13.07.2020

13.07.2020

Through Video conferencing from 12:15 pm.

Present : Ld. APP for the State.

MHC/M HC Dharampal joined through Cisco Webex.

None for the claimant.

Vide this common order, I am disposing off the applications for disposal of case property.

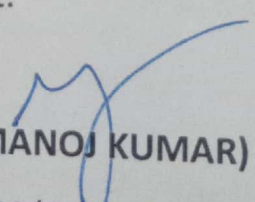
IO has filed applications electrically for disposal of case property.

Perusal of the applications shows that FIR in the present matters have been registered under Section 498A IPC. Thus, this court has no jurisdiction to entertain the present applications as same falls within the jurisdiction of Mahila Court.

At this stage, MHC(M) submits that he wants to withdraw the present applications. Heard.

In view of the same, present application stands allowed to be 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 application, reply and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/13.07.2020



13.07.2020

Through Video conferencing at 11:35 am.*This is an application for releasing article i.e mobile phone.*

Present : Ld. APP for the State.

Applicant Dr. Jagmohan Gupta joined through Cisco Webex.

IO has filed his reply electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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(MANOJ KUMAR)

MM-06/THC/Central/13.07.2020

13.07.2020

Through Video conferencing at 11:45 am.

Present : Ld. APP for the State.

Sh. Anurag Sharma, Ld. Counsel for applicant Deepak Giri joined through Cisco Webex.

This is an application for releasing vehicle bearing registration number UP-13BN-3922 on superdari.

Reply of IO received electronically. IO seeks time to verify insurance certificate.

IO is directed to file fresh report after verification of the same.

Be put up for filing report/FP on 15.07.2020.

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. 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/13.07.2020