

06.07.2020

Through Video conferencing at 11:50 am.

This is an application for releasing bullock cart on superdari.

Present : Ld. APP for the State.

Sh. Ajay Sharma, Ld. Counsel for the applicant Kadir @ Pappu Yadav joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also 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 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.

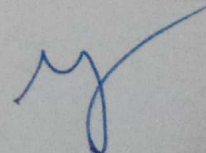
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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.

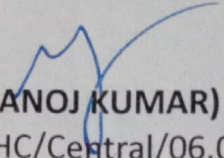
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-



Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, 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/06.07.2020

06.07.2020

This is an application for releasing vehicle bearing registration number DL-15V-8970 on superdari.

Present : Ld. APP for the State.

Applicant Daya Shankar not joined the meeting despite intimation.

Owner of the vehicle is Ms. Anju Chaurasiya.

Sh. Mayank Aggarwal, Trainee Judge 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.

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.

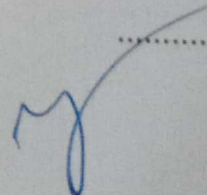
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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-1SV-8970 be released to the owner/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/Central/06.07.2020

06.07.2020

Present : **This is an application for releasing articles i.e. four boxes containing pan masala.**
Ld. APP for the State.

Applicant Daya Shankar not joined the meeting despite intimation.

Sh. Mayank Aggarwal, Trainee Judge joined through Cisco Webex.

IO has filed his reply.

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**, 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 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/Central/06.07.2020

06.07.2020

FIR No.263/20
P.S. Civil Lines

Through Video conferencing at 11:55 am.

Present : Ld. APP for the State.

Sh. Ashish Kumar Ojha, Ld. Counsel for the applicant/accused Jahiruddin joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

Ld. Counsel for applicant/accused submits that accused Jahiruddin has already been released from jail yesterday.

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 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/Central/06.07.2020

06.07.2020

FIR No.171/19
PS : Civil Lines

Joined through Video conferencing from 12:00 to 12:20 pm.

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

Sh. Mohd. Illiyas, Ld. Counsel for accused persons joined through Cisco Webex.

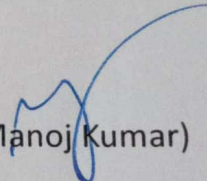
Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

Ld. Counsel for accused persons conceded to the charge qua accused Gaurav @ Nonu. He argued on behalf of accused Neeraj stating that accused Neeraj has been falsely implicated in this case and only adhar card got recovered from him. Accused Neeraj was arrested on the next day of incident and he is not visible in CCTV footage also.

Heard.

Be put up for order/clarifications, if any on 19.08.2020.

One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.


(Manoj Kumar)

MM-06/Central/06.07.2020

06.07.2020

FIR No.348/16
CC No.6283/18
PS : Sadar Bazar

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

None.

Party/advocate could not be contacted as they are not picking up their phone.

So, no effective hearing can take place.

Be put up for arguments on point of charge/FP on 22.09.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)

MM-06/Central/06.07.2020

06.07.2020

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : None.

Ld. Counsel for complainant and Ld. Counsel for accused have been contacted through mobile phone by the Ahlmad of the Court. They seek time to argue in this matter. So, no effective hearing can take place.

At request, be put up for purpose already fixed for 31.08.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)

MM-06/Central/06.07.2020

06.07.2020

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : None.

Party/advocate could not be contacted as their mobile numbers are not available on record. So, no effective hearing can take place.

At request, be put up for arguments on 31.08.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)

MM-06/Central/06.07.2020