

FIR No. 196/19
PS Rajinder Nagar
State Vs. Satpal Singh & Ors.

23.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

WSI Soni Lal on behalf of IO/SI Mahipal Singh.

WSI Soni Lal submits that NBWs issued against accused are received back unexecuted for the reason that accused was not found. WSI Soni Lal also submits that an application for issuance of process u /s 82 Cr.P.C. against accused Satpal Singh has also been moved today through email.

The application u/s 82 Cr.P.C. be put up for consideration on 28.10.2020.

IO shall remain present in person alongwith case diary on date fixed.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
23.10.2020

FIR No. 0071/16
PS I.P.Estate
State Vs. Zohaib Siddiqui

23.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Applicant with Sh. Satyam Thareja, Ld. counsel.

IO absent.

The present application was filed through email.

Ld. APP for state submits that he does not wish to file any reply to present application.

Arguments heard. Record perused.

This order shall dispose off application for release of Driving License no. 0320020061218(P) and registration certificate of vehicle no. DL 3CBN 0872 on behalf of applicant Zohaib Siddiqui.

It is submitted on behalf of applicant that Driving License and RC belonging to applicant/accused were seized during investigation and have been filed alongwith the charge-sheet. It is submitted that the aforesaid driving license and RC are required by the applicant/accused and he will not dispute the identity of said documents during the trial. With these submissions, applicant has made prayer for release of Driving License and RC of his vehicle in his favour.

Ld. APP for State has opposed the present application stating that the applicant has not averred about any cogent ground for release of the above documents in his favour, therefore, the present application is not maintainable.

The perusal of the present application would reveal that there is not a single averment made on behalf of the applicant qua any cogent ground for a release of the driving license in his favour. Therefore, the prayer of applicant for releasing the same is rejected.

So far as the prayer for release of RC of the vehicle in applicant's favour is concerned, it is pertinent to be mentioned that vide separate order of even date passed in application moved on behalf of the applicant, the permission has

been granted to him for sale of the vehicle in question. Therefore, in order to give effect to such order, the RC of vehicle deserves to be released to applicant.

Accordingly, the application is partly allowed and the RC of vehicle no. DL 3CBN 0872 is ordered to be released to applicant, against due receipt and proper identification. The copy of RC be retained on record. The applicant is also directed to file an affidavit undertaking that he will not dispute the authenticity of the photocopy of RC of vehicle in question during the course of remaining trial.

Affidavit be filed within 10 days. Concerned Ahlmad is also directed to do needful.

Application is accordingly, disposed off.

Scanned copy of this order be sent to counsel for applicant through email, for compliance.

Scanned copy of this order be sent computer branch THC for uploading on Delhi District Courts Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
23.10.2020

FIR No. 0071/16
PS I.P.Estate
State Vs. Zohaib Siddiqui

23.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Applicant with Sh. Satyam Thareja, Ld. counsel.

IO absent.

The present application was filed through email.

Ld. APP for state submits that he does not wish to file any reply to present application.

Arguments heard. Record perused.

This order shall dispose off application seeking permission for sale of vehicle bearing no. DL 3CBN 0872, moved by applicant Zohaib Siddiqui.

It is submitted on behalf of applicant that applicant is the registered owner of vehicle in question. It is further submitted that the vehicle in question has been released to applicant on superdari vide order dt. 01.03.2016. It is further submitted that the vehicle in question is of 2010 model and due to the financial difficulty faced by the applicant, he intends to sell the vehicle. It is further submitted that the applicant will not dispute the identity of vehicle during the course of remaining trial, if same the permission is granted for selling the same. With these submissions, applicant has sought permission for selling the vehicle in question.

The perusal of the main case file would reveal that matter is pending trial. As per the record, the vehicle in question is the alleged offending vehicle involved in the occurrence. Further, the perusal of record would reveal that applicant Zohaib Siddiqui has been arrayed as accused in the present case. The perusal of order dt. 01.03.2016 passed by Court of Sh. Abhilash Mahlotra, Ld. MM would also reveal that vehicle in question has been released in favour of applicant/registered owner Zohaib Siddiqui on superdari.

At this juncture, it becomes pertinent to mention observations made by Hon'ble Delhi High Court in matter of "*Manjit Singh Vs. State CrI.MC No. 4485/2013 dt. 10.09.2014*", wherein it was observed that the production of property which has evidentiary value during evidence is a part of fair trial. With the advanced technology, it is not necessary that the original of property inevitably has to be preserved for the purpose of

evidence in the changed context of times. The reception of secondary evidence is permitted in law. The techniques of photography and photo copying are far advanced and fully developed. Movable property of any nature can be subject matter of photography and taking necessary photographs of all the features of the property clearly is not a impossible task in photography and photo copying. Besides, the mahazar could be drawn clearly describing the features and dimensions of movable properties which are subject matters of criminal trial.

In the present case, the applicant is the registered owner of vehicle in question. The vehicle has already been released to applicant on superdari. Further, as per the record, the applicant is the accused in the present case and is facing trial for offences u/s 279/338/304A IPC and u/s 134(a)/187 M.V. Act. Further, the perusal of record would also reveal that the photographs of alleged vehicle have already been exhibited on record as Ex.P-1 (colly) vide statement of PW Udayveer recorded on 06.12.2019. The applicant seeks permission for selling the vehicle due to financial difficulties faced by him. As per the submissions made by counsel for applicant, applicant shall not dispute the identity of the vehicle during the course of remaining trial. Further, the vehicle in question is of 2010 model and in case of delay in its sale, the applicant will not get a fair market price and further that the value of vehicle is being depreciated and it is expensive to maintain the same. In view of the above facts and circumstances, the application in hand is allowed and applicant is granted the permission to sell the vehicle in question. The applicant shall furnish an undertaking in the form of affidavit that he shall not dispute the identity of vehicle in question or its photographs on record, during the course of trial. The affidavit be furnished by applicant within 07 days from today.

It is further clarified that nothing in this order shall be construed as any direction effecting the right of the hypothecation, if any on the vehicle in question.

Application is accordingly, disposed off.

Scanned copy of this order be sent to counsel for applicant through email, for compliance.

Scanned copy of this order be sent computer branch THC for uploading on Delhi District Courts Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
23.10.2020