

State Vs. Pradeep @ Rohit Chauhan (Through Applicant Nazim Khan)

FIR No.162/2019

PS: Rajender Nagar

24.08.2020

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Shobhit Mittal Ld. Counsel for applicant

IO/SI Rajvir Singh in person

In furtherance of directions issued vide order dated 20.08.2020 passed by Ld. Link MM, Scanned copy of reply has been sent by IO/SI Rajvir Singh, through the email id of the court. Copy stands supplied to counsel for applicant, electronically.

This order shall dispose off the application for release of **vehicle no. UP-16AP-0457** on Superdari, moved on behalf of **applicant Nazim Khan**.

Reply of IO/SI Rajvir Singh, is perused, wherein it is stated that the present case FIR u/s 279/427 IPC was registered upon complaint made by one Sh. Pradeep Saini alleging that on 4.10.2019, the alleged accident ensued due to rash or negligent driving by accused. It is further stated that the damage was caused to BSES electricity pole due to alleged accident. IO has reported that applicant Nazim Khan, is the registered owner of the vehicle in question. It is further reported that vehicle in question was not having a valid insurance at the time of alleged accident. Further, in the status report as received from the IO, he has raised no objection if the vehicle aforesaid is released on superdari in favour of the registered owner.

At this juncture, as it emerges that vehicle in question is an uninsured vehicle having involved in an accident case involving damage to property i.e Electricity Pole installed by BSES, therefore provisions of Rule 6 of Delhi Motor Accidents Claim Tribunals Rules, 2008 comes into play. The relevant rule is reproduced herein below for a ready reference,

Rishab Kapoor
24/08/2020

6. *Prohibition against release of motor vehicle involved in accident.-(1) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of registered owner or when the registered owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the court to pay compensation that may be awarded in a claim case arising out of such accident.*

(2) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when registered owner of the motor vehicle fails to furnish copy of such policy in circumstance mentioned in sub- rule (1), the motor vehicle shall be sold off in public auction by the magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating police officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

In this context, the observations made by Honble High Court of Delhi in case titled **as Rajesh Tyagi & Ors. vs Jaibir Singh & Ors. FAO No. 842/200 decided on 8th June, 2009**, becomes pertinent to be mentioned. It was observed that;

*The motor vehicles involved in the accident shall not be released on superdari unless the owner and driver have appeared before the Court of MACT and have furnished all the relevant documents i.e. driving license, registration cover, insurance policy, fitness, permit etc. of the offending vehicle before release of the offending vehicle to the owner on superdari. **If the vehicle is not insured, the vehicle shall be released on superdari only after the owner furnishes sufficient security to the satisfaction of the Court to pay the compensation or at least equal to the value of the vehicle.***

Now advertng to the present application, Scanned copy of R/C of vehicle in question, is also sent with application and same is perused. For the purposes of identity applicant has sent scanned copy of his Aadhar card along with the application.

In view of the discussion made above and on perusal of the report of IO along with the copies of documents appended with application, as applicant Nazim Khan prima facie appears to be entitled for the custody of the vehicle in question, accordingly his prayer for release of same deserves to be accepted.

In these circumstances and also keeping in view the 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, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-


Handwritten signature and date: 24/08/2020.

1. Applicant is directed to furnish security in the form of FDR amounting Rs.25000/- undertaking his liability to pay amount of compensation for third party risks, if any awarded by the Ld. MACT, to the satisfaction of this court.
2. Thereafter, the applicant shall furnish indemnity bonds as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO concerned.
2. IO shall verify all the documents of vehicle prior to its release and release the same only upon verification thereof.
3. IO shall prepare detailed Panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
5. The photographs should be attested and counter signed by the complainant and applicant/accused.

Requisite Security is not furnished. The application be put up as and when applicant furnishes the security along with undertaking, as directed today.

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

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
24.08.2020

Rajender Singh Rawat Vs. State of NCT, Delhi

FIR No.132/2020

PS: I.P. Estate

24.08.2020

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Manish Kaushik Ld. Counsel for applicant

IO/SI Ashok Kumar in person

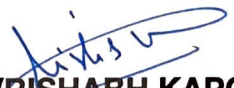
The present application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/SI Ashok Kumar, is received through email id of the court. Copy of same is already supplied to counsel of applicant/accused, through email.

At the request of Counsel for applicant, put up with main case file **on 25.08.2020 at 12:00 PM**. List for consideration through VCC over Cisco Webex on date fixed.

IO shall also remain present through VCC on date fixed.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
24.08.2020

Letter No. F.4/SCJ-4/AS(UT)/2020/9382 dated 22.08.2020

FIR NO.319/2015

PS I.P Estate

24.08.2020

रिषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-1
Metropolitan Magistrate-01
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

IO/HC Banwari Lal in person

Pursuant to direction issued vide order dated 22.08.2020, scanned copy of report under signatures of SHO P.S I.P Estate, is received and perused.

IO submits that the accused namely Arif was arrested by officials of Special Staff P.S Shahbad Dairy on 10.07.2020 and Kalandra vide D.D No.97A dated 10.07.2020 was filed before Ld. Jail Duty MM. IO submits that accused is a Proclaimed Offender in present case FIR. It is further stated that accused was thereafter sent to J/C in connection with aforesaid Kalandra by Ld. Jail Duty MM and was not formally arrested in the present case FIR.

It is further apprised that accused has been granted bail in present case FIR vide orders dated 11.08.2020 passed by Ld. PO MACT-02.

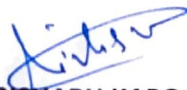
In such circumstances, it is hereby clarified that accused Arif was a Proclaimed Offender in present case FIR No.319/2015 u/s 379/411 IPC PS I.P Estate (though not formally arrested in this case subsequent to his arrest) and has already been bailed out vide orders dated 11.08.2020 by the Court of Ld. P.O MACT-02, hence the concerned Jail Superintendent is directed to release the accused, if his custody is not required in any other case.

The concerned Jail Superintendent is directed to verify at his end if any release warrants are received qua accused/applicant in present case and release the accused subject to such verification.

Scanned copy of this order be sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in, for necessary information and compliance.

Arif
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Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

24.08.2020

Letter No. F.5/SCJ-5/AS/UT/2020/2427 dated 21.08.2020

DD NO.27A dated 23.04.2020

PS I.P Estate

24.08.2020

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-०३
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

IO/SI Deepak Lal in person

Pursuant to directions issued vide order dated 22.08.2020, scanned copy of report under signatures of IO/SI Deepak Kumar, is received and perused.

IO submits that accused Arjun @ Chinki was arrested as CCL in present case and was sent to protective custody in Observation Home vide DD No. 27 dated 23.04.2020 u/s 186/353/323/332/224/34 IPC. Meanwhile, the inquiry qua his age verification was conducted and he was found to be more than 18 years of age and was accordingly ordered to be shifted to Concerned Central Jail vide orders dated 16.07.2020 passed by Ld. Principal Magistrate JJB-III. IO further submits that the accused was subsequently sent to J/C. IO has also apprised that the aforesaid DD No. 27 dated 23.04.2020 u/s 186/353/323/332/224/34 IPC was converted into FIR No.149/2020 dated 22.07.2020 and accused was formally arrested on 27.07.2020.

It is further apprised that accused has been granted bail in present case FIR vide orders dated 17.08.2020 passed by Ld. PO MACT-02.

In such circumstances, it is hereby clarified that accused Arjun @ Chinki was initially arrested as CCL in connection DD No. 27 dated 23.04.2020 u/s 186/353/323/332/224/34 IPC which was converted into FIR on 22.07.2020 and has already been bailed out vide orders dated 17.08.2020 by the Court of Ld. P.O MACT-02, hence the concerned Jail Superintendent is directed to release the accused, if his custody is not required in any other case.

The concerned Jail Superintendent is directed to verify at his end if any release warrants are received qua accused/applicant in present case and release the accused subject to such verification.

Rishabh Kapoor
24/08/2020.

Scanned copy of this order be sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

24.08.2020

State Vs. Rahul

FIR No.1183/2020

PS: Rajender Nagar

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

24.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Deepak Kumar Ld. LAC for applicant

IO/ASI Jaivir Singh in person

The present application for grant of regular bail u/s 437 Cr.PC. was filed on behalf of the applicant Rahul, through email id of this court.

Scanned copy of reply of under the signatures of ASI Jaivir Singh, is received through email id of the court. Copy of same is already supplied to Ld. LAC for applicant/accused, electronically.

Heard. Record perused.

This order shall dispose of an application for **grant of regular bail u/s 437 of Cr.P.C.**, moved on behalf of **applicant/ accused Rahul**.

It is averred on behalf of the applicant has been falsely implicated in the present case and no recovery is left to be effected from the applicant/accused. It is further averred that applicant is undergoing judicial custody since 15.01.2020. It is further averred that case of the applicant is not covered in any of the direction given by HPC till date and applicant is seeking regular bail. It is with these averments, prayer has been made to admit the applicant on regular bail.

Ld. APP for State has been contended that the present application is not maintainable as it is the second bail application moved on behalf of the applicant/accused, without

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establishing any changed circumstance after the dismissal of the earlier application. It is also contended that the applicant is a habitual offender and if he is admitted on bail, there exists a strong likelihood that he will indulge himself in the offences of similar nature. It is with these averments, the prosecution has sought dismissal of the present application.

At the very outset, it is pertinent to mention here that the present application is the **second bail application** moved on behalf of the applicant, seeking his enlargement on bail. It may be added here that vide orders dated 02.03.2020, the earlier bail application of the accused/applicant, was dismissed by this court. It has been averred on behalf of applicant that since the accused is undergoing judicial custody since long, therefore, it tantamount to a changed circumstance, entitling the applicant for grant of bail. However, in this regard it is pertinent to mention here that even though there is no bar in entertaining successive bail applications, by consideration before the same court. There also lies not time-limit, set for moving the court for bail, after the first or previous bail application, is rejected. But, it should be only when some new facts and circumstances have been developed, after rejection of previous bail application, then only the successive bail application should be considered on merits. ***In Parvinder Singh vs. State of Punjab 2003 12 SCC 528***, the Hon'ble apex court held that though an accused has right to move successive bail applications for grant of bail, but the court entertaining such subsequent application, has a duty to consider the reasons and grounds on which earlier bail applications were rejected. In such cases, the court has a duty to record what are the fresh grounds which persuade it to take a view, different from one taken in earlier application. Similarly, in ***State of Madhya Pradesh versus Kajad AIR 2001 SC 3517***, it was held that it is true that successive bail application are permissible under the changed circumstances, but without the change in circumstances, the second bail application would be deemed, seeking review of earlier judgment, which is not permissible under the criminal law.

Now, coming to the contentions advanced on behalf of the accused/applicant, qua changed circumstances justifying maintainability of present application. As per the version of the Ld. LAC for applicant, since the accused is undergoing J/C since long, hence in view of this changed circumstance, the present bail application can well be entertained by this court. In this regard, it is pertinent to add that the authorities cited above clearly suggests that the successive bail applications are maintainable before the same court only when, circumstance which led to the dismissal of earlier application, is shown to have been changed. Mere, branding a circumstance or glossing it with a term '*changed circumstance*', does not, fall under the purview of circumstance, which leads to maintainability of successive bail application unless the same has direct bearing on the grounds upon which the decision on earlier application was made. If, without establishing the said changed circumstance, the court ventures itself into entertaining the successive bail applications, it virtually tantamount to review of its own order, which certainly is not contemplated under the scheme of Cr.P.C. As far as the assertions of Ld. LAC for applicant are concerned, pertinently, the perusal of order dated 02.03.2020 is suggestive of the fact that the first bail

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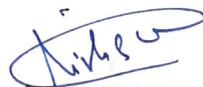
application as moved on behalf of the applicant/accused Rahul was dismissed by this court primarily on two counts which are, first, the previous bad antecedents of the applicant, justifying the apprehensions of the prosecution regarding the possibility of commission of offences of like nature by the accused/applicant and secondly, on the count that there existed a likelihood that if admitted on bail, the applicant will dissuade the prosecution witnesses. Pertinently, on establishing the fact by prosecution that the applicant has dented antecedents, the earlier bail application of accused/applicant was dismissed. The fact that, the applicant has previous dented criminal antecedents, remains undisputed and as such nothing Cogent has been placed on record on behalf of the accused/applicant vanishing the apprehension of the prosecution that if admitted on bail, the accused will not indulge himself in offences of similar nature or will not dissuade the material prosecution witnesses, I am of the view that the present application as moved on behalf of applicant lacks any maintainability.

In the light of my discussion made above, and also placing on reliance on the authorities cited above, since the earlier bail application of the applicant was dismissed on the ground of existence of likelihood of commission of offences of similar nature by the applicant, in case of his release and also upon appreciating possibility of his dissuading the prosecution witnesses, therefore merely on account of prolonged judicial custody of accused, the prayer of the applicant cannot be accepted. In these circumstances, the application in hand deserves dismissal and as such the present application is hereby dismissed.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

24.08.2020

State Vs. Amit @ Bhondu

FIR No.02/2020

PS: I.P. Estate

ऋषभ कपूर
RISHABH KAPOOR
 सहायक दण्डाधिकारी-03
 Metropolitan Magistrate-03
 केन्द्रीय जिला कदम नं. 150
 Central District, Room No. 150
 तीस हजारी न्यायालय, दिल्ली
 Tis Hazari Courts, Delhi

24.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Deepak Kumar Ld. LAC for applicant

The present application for grant of regular bail u/s 437 Cr.PC. was filed on behalf of the applicant Amit @ Bhondu, through email id of this court.

Scanned copy of reply of under the signatures of SI Pratap Singh, P.S I.P Estate, is received through email id of the court. Copy of same is already supplied to Ld. LAC for applicant/accused, electronically.

Heard. Record perused.

As per reply filed by SI Pratap Singh, in connection with present case FIR No.02/2020 u/s 356/379/411/34 IPC no accused namely Amit @ Bhondu was ever arrested rather in above mentioned case FIR, two accused namely Md. Anas and Sahil were arrested and both of them are on bail.

Ld. LAC for applicant submits that the present application was prepared by the Jail Visiting Advocate and as such he is not aware about exact particulars of the present case. It is also submitted by Ld. LAC that present application may be disposed off on merits.

In such circumstances, as the reply filed by SI Pratap Singh is suggesting that the accused namely Amit @ Bhondu was never arrested in present case FIR, therefore

Rishab
 24/08/2020.

present application for grant of bail to him, appears to be not maintainable and same is accordingly dismissed.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
24.08.2020