

FIR No. 367/20
PS: Nihal Vihar
08.09.2020

This is an application for releasing articles i.e mobile phone.

Present:- Ld. APP for the State.
Applicant in person.
IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for

(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

E-FIR No. 000535/20
PS: Nihal Vihar
08.09.2020

This is an application for releasing articles i.e mobile phone.

Present:- Ld. APP for the State.
Applicant in person.
IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

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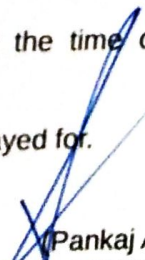
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61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence."

Considering the facts and circumstances and law laid down by higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

FIR No. 672/20
PS: Nihal Vihar
08.09.2020

This is an application for releasing articles i.e mobile phone.

Present:- Ld. APP for the State.
Applicant in person.
IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

This is an application for releasing vehicle bearing no. DL-8SCL-2166 on Superdari.

Present:- Ld. APP for the State.
Ld. counsel for the applicant.
IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that *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 reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."*

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. **DL-8SCL-2166** be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.

(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

This is an application for releasing articles i.e mobile phone.

Present:- Ld. APP for the State.

Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

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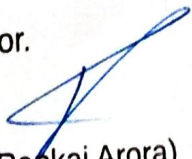
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61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence."

Considering the facts and circumstances and law laid down by higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

DD No. 9A Dated 02.02.2020.

PS: Maya Puri

08.09.2020

Fresh Kalandra U/s 185 of M.V. Act. filed. It be checked and registered.

Present: Ld. APP for the State.

Accused Simarpreet Singh in person.

IO/ASI Subash in person.

At this stage, accused plead guilty for the commission of offence under Section 185 of M.V. Act. Separate statement of the accused recorded to that effect. Accordingly, the accused is convicted under Section 185 of M.V. Act.

Heard on point of sentence. It is submitted that the accused is a sole bread earner in his family & he is not previously convicted in any other criminal case.

Keeping in view of the aforesaid facts & circumstances, the accused Simarpreet Singh is hereby sentenced to pay fine of Rs. 15,000/- and to under imprisonment till the rising of this Court. Fine paid.

File be consigned to the Record Room after due compliance.

(Pankaj Arora)
DMM/West/THC/Delhi
08.09.2020

DL Received
on 5pm
Simarpreet Singh
8/9/20