

FIR No. 04/20

PS – SMRS, Delhi

09.06.2020

*This is fresh charge-sheet filed.*

Present : Ld. APP for the State.

ASI Chaman Prakash on behalf of IO.

Accused persons are stated to be in JC.

Be put up for appearance of accused persons/consideration on charge-sheet on

on 15.06.2020.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 20/20

PS – Bara Hindu Roa

09.06.2020

*This is fresh charge-sheet filed.*

Present : Ld. APP for the State.

IO in person.

Accused is stated to be in JC.

Be put up for production of accused/FP on 23.06.2020.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 83/20  
PS – Kashmiri Gate

09.06.2020

*This is fresh charge-sheet filed.*

Present : Ld. APP for the State.

IO in person.

Accused persons are stated to be in JC.

Be put up for production of accused persons/consideration on charge-sheet on

on 22.06.2020.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

09.06.2020

Present : Ld. APP for the State.

IO/SI Khadak Singh in person.

IO has moved an application for conducting potency test of accused and direct the concerned jail superintendent to produce the accused at RML hospital.

Heard. Application is allowed.

Under these circumstances, concerned jail superintendent is directed to produce the accused at RML hospital on **15.06.2020 at 10:00 am** for conducting potency test of accused.

The application is disposed off accordingly. Copy of this order be sent to RML hospital. Dasti copy of the order be given to IO as prayed for.

(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

**09.06.2020**

Present: Ld APP for the State.  
Ld. Counsel on behalf of AR of complainant in person.  
IO/SI Uttam Kumar in person.

IO has moved an application for issuance of search and seizure warrant according to provision u/s 93 Cr.P.C wherein it has been mentioned that AR of the complainant has stated that Indian Clock Company at office no.204, 2<sup>nd</sup> floor, Tower 12, Gagandeep Building, Govind Lal Sikka Marg, Rajendra Place, New Delhi is deliberately using Casio logo and indulging in the sale and distribution of counterfeit products of the complainant company i.e. M/s. Casio India Co. Pvt. Ltd.

Heard. Perused. Application is allowed.

The AR of complainant company and ACP concerned shall also accompany the IO, at the time of raid.

**Officer of the competent rank as provided under the Act should be present during the time of conducting of raid for the purpose of search & seizure. In view of judgment titled as “Sanyo Electric Company Vs State”, 2011 (45) PTC 55 (DEL), passed by Hon'ble Mr. Justice Sanjiv Khanna on 30/08/2010, there is no need to obtain opinion of Registrar of Trademarks for purpose of present warrant.**

**The warrants are returnable on 16.06.2020.**

Dasti to IO.

(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020



FIR No. 102/20

PS – Nabi Karim

09.06.2020

Present : Ld. APP for the State.

IO/SI Bijender Singh in person.

IO has moved an application for conducting potency test of accused and direct the concerned jail superintendent to produce the accused at RML hospital.

Heard. Application is allowed.

Under these circumstances, concerned jail superintendent is directed to produce the accused at RML hospital on **11.06.2020 at 10:00 am** for conducting potency test of accused.

The application is disposed off accordingly. Copy of this order be sent to RML hospital. Dasti copy of the order be given to IO as prayed for.

(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

09.06.2020

**Through Video conferencing at 01:00 pm.**

Present : Ld. APP for the State.

Sh. Arvind Kumar Shukla, Ld. Counsel for applicant via VCC.

IO/Insp. Dharmendra Kumar in person.

The matter is heard through VCC over Cisco Webex.

Reply of the application and reply to the show cause notice filed.

Perusal of the reply of show cause notice shows that initially reply was uploaded on 05.06.2020. Thereafter, IO remained quarantined. Thus, IO submitted that delay in filing reply was not intentional nor deliberate.

Heard. IO is warned to be careful in future.

Ld. Counsel for applicant submits that applicant/accused is suffering and could not commute even in medical exigency as they have no other vehicle. Ld. Counsel further argued that vehicle is lying in PS and getting decayed day by day. He relied upon the judgment of *Hon'ble Supreme Court of India in "Sunderbhai Ambalal Desai Vs. State of Gujarat" 2002 (10) SCC 283*. He argued that *Hon'ble Supreme Court of India* categorically stated that there is no use to keep the seized vehicle at PS for a long period and Magistrate can pass order for releasing of the vehicle by taking appropriate bond and guarantee as well security for return of the vehicle, if required at any point of time. He further submitted that similar application is pending before Ld. CMM/concerned Court and due to lockdown, he filed the present separate application.

The main objection of the IO is that charge-sheet in the present matter has been filed and during investigation, the accused could not provide the source of the fund from which he bought the present car. So, prima-facie, the car seem to be purchased from the cheated amount. Thus, IO objected to the release of the vehicle.

Heard. Perused.

This Court is satisfied that applicant has moved fresh application for releasing of the vehicle as the similar application is pending before concerned Court and the same could not be taken up due to suspension of work due to lockdown/pandemic Covid-19. It is

Contd.....2

not in dispute that car was seized from the accused and registered in the name of accused Durvijay.

The *Hon'ble High Court of Delhi* in "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, relying on the judgment of *Hon'ble Supreme Court of India* in "*Sunderbhai Ambalal Desai Vs. State of Gujarat*" 2002 (10) SCC 283, directed release of the vehicle involved in accident/theft cases. In the present case, the allegations against the accused are that he duped several innocent persons and out of the cheated amount, he purchased the present vehicle. Thus, prima-facie, it seems that the alleged vehicle is purchased from the cheated/duped amount. So, accused cannot be said to be entitled for the vehicle. The charge-sheet in the present case has already been filed. So, at this stage, it is very difficult to even prima-facie say that accused is entitled to get release of the vehicle. So, in view of the above stated reasons, present application stands dismissed.

The scanned copy of this order be transmitted to counsel for applicant through co-ordinator Sh. Suresh Pahuja. One copy of order be uploaded on Delhi Distriet Court website.

  
(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020



09.06.2020

**Through Video conferencing**

Present : Ld. APP for the State.

Sh. Ujjawal Puri, Ld. Counsel for applicant/accused.

Connected through Cisco Webex.

Report on behalf of Dy. Superintendent, Jail No.1 received. Perusal of the report shows that UTP Shanti Swaroop Satija is facing trial in more than 150 cases. So, some time is sought by Dy. Superintendent to file the detailed report.

Ld. Counsel for applicant/accused argued that UTP is more than 70 years of age and concerned jail superintendent deliberately delaying the filing of report.

Heard.

Let, fresh notice be issued to Dy. Superintendent with direction to file detailed report regarding the status of the pending cases against UTP Shanti Swaroop Satija positively on 12.06.2020.

The scanned copy of this order be transmitted to counsel for applicant through co-ordinator Sh. Suresh Pahuja. One copy of order be uploaded on Delhi District Court website.

Be put up before concerned Duty MM on **12.06.2020 at 01:00 pm** through VCC.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 32/20  
PS – Kamla Market

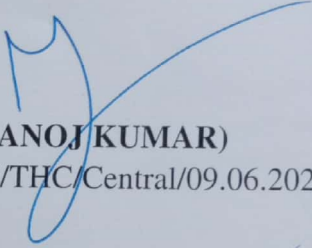
09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

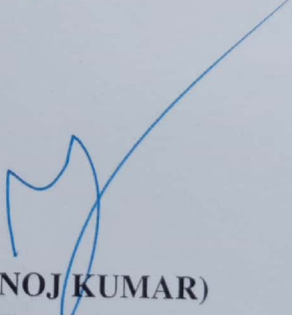
09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.  
Be put up for consideration on 15.06.2020.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

FIR No. 107/20  
PS – Nabi Karim

09.06.2020

*This is fresh charge-sheet filed.*

Present :

Ld. APP for the State.

IO in person.

Accused is stated to be in JC.

Be put up for appearance of accused/consideration on charge-sheet on on

15.06.2020.

*msm*

**(MANOJ KUMAR)**

Duty MM/THC/Central/09.06.2020

FIR No. 21/20

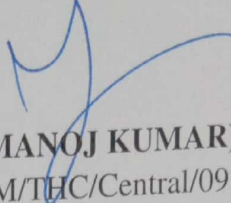
PS – Sadar Bazar

09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.

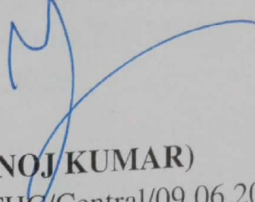
  
(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.

  
(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

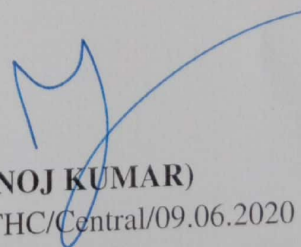
At 04:00 pm

Present : Ld. APP for the State.

None.

Perusal of the case file shows that IO not appearing for the last two dates.

So, present application stands disposed off.

  
(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

FIR No. 212/19

PS - Darya Ganj

09.06.2020

Present : Ld. APP for the State.

None.

Let, miscellaneous papers be handed over to the Ahlmad of concerned PS.


  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020



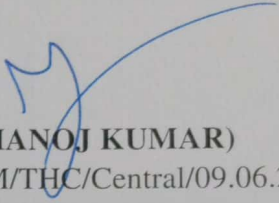
09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

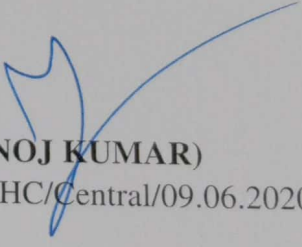
Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.

Let, original order be handed over to the Ahlmad of the concerned PS.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

FIR No. 33/20

Vehicle No.DL-2CAP-3078

09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.

None.

Report on behalf of IO filed. However, none appearing on behalf of applicant for the last two dates.

The application has been filed as SPA holder. The SPA has not been signed by the accused/attested by the jail superintendent.

Under these circumstances, present application is dismissed.

  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 0054/20

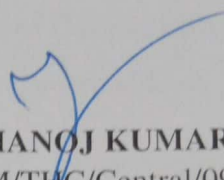
PS – Subzi Mandi

09.06.2020 (at 04:00 pm)

Present : Ld. APP for the State.

None.

Let, order be handed over to the Ahlmad of PS Subzi Mandi.

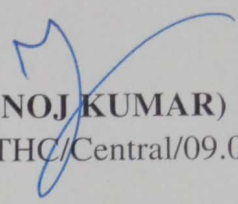
  
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 7/20  
PS – Wazirabad

09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

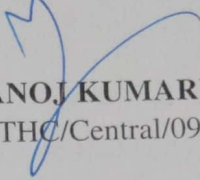
Present : Ld. APP for the State.  
None.  
None appearing on behalf of applicant for the last two dates.  
So, application is dismissed.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020



09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
(**MANOJ KUMAR**)  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
(**MANOJ KUMAR**)  
Duty MM/THC/Central/09.06.2020

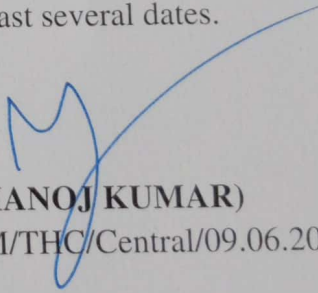
At 04:00 pm

Present : Ld. APP for the State.  
None.

Neither applicant appeared, nor any report on behalf of IO filed.

None appearing on behalf of applicant for the last several dates.

So, application is dismissed.

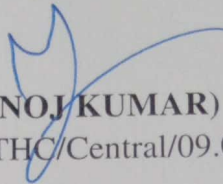
  
(**MANOJ KUMAR**)  
Duty MM/THC/Central/09.06.2020



FIR No. 17/20  
PS – Roop Nagar

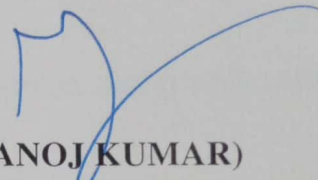
09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.

None appearing on behalf of applicant for the last two dates.

So, application is dismissed.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

FIR No. 183/20

CC No/New No.

PS -  
Wazirabad

09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.

Let, certified copy of order be handed over to the Ahlmad of PS Wazirabad.

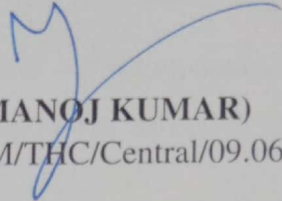
(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

FIR No. 107/20  
PS – Prasad Nagar

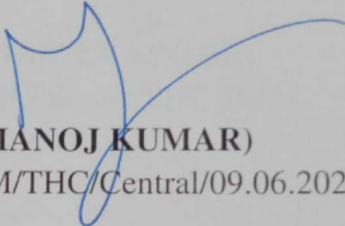
09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

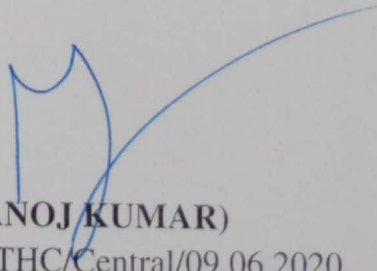
09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.  
IO was absent on LDOH also.  
So, present application is dismissed.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

09.06.2020

This is an application for releasing vehicle bearing registration number DL-5SBR-8965 on superdari.

Present : Ld. APP for the State.

Applicant Mohd. Salim is absent.

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."

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Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-5SBR-8965 be released to the 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.

Dasti copy of order be given to the concerned Naib Court.

(**MANOJ KUMAR**)

Duty MM/THC/Central/09.06.2020



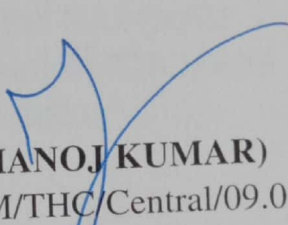
09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

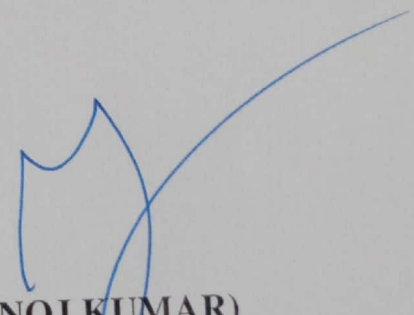
09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.  
Be put up on 10.06.2020.

  
**(MANOJ KUMAR)**  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

09.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.  
None.  
Be awaited.

(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

At 04:00 pm

Present : Ld. APP for the State.  
None.  
Be put up on 10.06.2020.

(MANOJ KUMAR)  
Duty MM/THC/Central/09.06.2020

FIR No. 1020/16

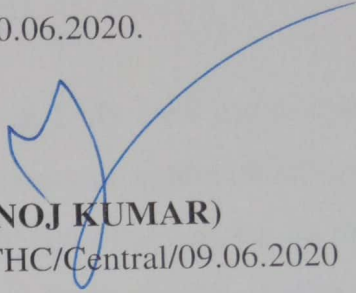
PS – NDRS

09.06.2020

Present : Ld. APP for the State.

None.

Let, notice be issued to IO/ASI Yad Ram PS NDRS with direction to appear in person regarding clarification about the present application on 10.06.2020.

  
(**MANOJ KUMAR**)  
Duty MM/THC/Central/09.06.2020