

11.01.2021

**Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.**

**This is an application for releasing of vehicle bearing No. DL-1CR-0146 on superdari filed by applicant/ registered owner Sh. Sunil Shah.**

Present : Ld. APP for the State.

Sh. Sunil Shah applicant in person alongwith Ld. Counsel Sh. Sunil Chaudhary.

Reply in compliance of order dated 06.01.2021 has been filed by the IO. Same is taken on record. In his reply, IO has stated that it appear that accused has changed the colour of the stolen car belonging to the applicant from silver to white.

Ld. Counsel for applicant submits that since colour and number plate of the vehicle have been changed by the accused, the applicant will face difficulty in plying the vehicle on road. It is further submitted that due to change in colour of the vehicle, the insurance company is not accepting the claim of applicant.

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.**"

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi 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 bearing registration No. **DL-1CR-0146** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

So far as the grievance of the applicant regarding change of colour of his vehicle by the accused is concerned, the applicant may move an appropriate application before the RTO concerned for getting the colour of vehicle changed in the RC. RTO concerned is directed to consider the said application in view of this order.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021

FIR No. 02/21  
PS – Sadar Bazar

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

**This is an application for releasing of mobile make Redmi MI-5 Pro, DL and some cash on superdari filed by applicant Sh. Rohit Kumar.**

Present : Ld. APP for the State.

None for the applicant.

Reply filed by the IO. Same is taken on record.

Since none has appeared on behalf of applicant, put up for consideration on the said application on **13.01.2021**.

One copy of the order be uploaded on Delhi District Court Website.

Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

  
(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

***This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Arman Ali s/o Sh. Usman Ali.***

Present : Ld. APP for the State.

Mr. Naval Kishore, Id. Counsel for applicant/accused.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 29.11.2020 and investigation qua him is already complete. It is further submitted that the applicant/accused is the sole bread earner of his family and his wife is pregnant and about to deliver a child in 2-3 days. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the applicant/accused snatched the mobile phone of the complainant from her hand while she was sitting in the auto and ran away. It is further stated that complainant caught the applicant/accused with the help of the mob. It is further stated that when the mob caught applicant/accused, the mobile phone fell from his hand somewhere and the same could not be recovered. It is further stated that applicant/accused is not in parental control and he may abscond, if released on bail.

  
Contd.:-



Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused was caught red handed on the spot by public persons. It is also submitted that investigation is at initial stage and even the case property has not yet been recovered. Hence, it is prayed that applicant/accused shall not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Perusal of record reveals that bail application of applicant/accused was previously dismissed by this Court vide order dated 09.12.2020 and thereafter, dismissed by Ld. Sessions Court vide order dated 18.12.2020. Perusal of the previous involvement report filed by IO reveals that the applicant/accused is the first time offender. Applicant/accused is in J/C since 29.11.2020. Thus, considering that the fact that the applicant/accused is a first time offender and has been languishing in J/C since more than 40 days, a lenient view is taken against the applicant/accused and he is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

- 1. That the accused person(s) shall join investigation as and when called.**
- 2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the accused person(s) shall not commit similar offence and;**
- 4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.**

Accordingly, the present application is disposed off. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

  
**(SHIVLI TALWAR)**  
**MM-06(C)/THC/Delhi/11.01.2021**

State Vs. Mohd. Ali  
FIR No. 270/20  
PS Sadar Bazar  
U/s 380/411/34 IPC

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Ld. APP for the State.  
Sh. Vikas Aggarwal, Ld. LAC for the applicant/accused.

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond stating that applicant/accused was admitted on bail by this Court vide order dated 10.12.2020 and applicant/accused was directed to furnish his personal bond in the sum of Rs. 10,000/- with one surety of like amount. However, applicant/accused belongs to a poor family and is unable to furnish his surety due to which he is languishing in the jail. Ld. LAC for applicant/accused submits that applicant/accused is in J/C since 02.11.2020, therefore, it is prayed that considering the condition of applicant/accused, he may be released on his personal bond.

Reply has been filed by IO electronically. Same has been supplied to Ld. LAC for applicant/accused. IO in his reply has stated that the address of applicant/accused has been verified.

Heard. Record perused. Keeping in view the poor condition of applicant/accused and submissions made by Ld. LAC of applicant/accused, the application moved on his behalf for his release on personal bond stands allowed. Accused be released on bail on furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of Ld. Duty MM, as per prevailing Duty Roster.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/11.01.2021

State Vs. Mohd. Aadil  
FIR No.170/2020  
PS Sadar Bazar  
Case No.7283/2020

**11.01.2021**

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Sh. Vikram Dubey, Ld. APP for the State.

Accused Aadil produced from J/C through V.C.

Sh. Nikhil Yadav, Ld. LAC for accused.

Ld. LAC for applicant/accused has filed an application on behalf of the applicant/accused Mohd. Aadil s/o Mr. Deen Mohd. electronically for pleading guilty in the present matter.

Perusal of case file reveals that charge has not been framed in the present yet. Hence, the present application is premature and thereby dismissed.

Accused is at liberty to move a fresh application for pleading guilty at the appropriate stage.

Accordingly, the present application is disposed off. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.



**(SHIVLI TALWAR)**

**MM-06(C)/THC/Delhi/11.01.2021**



11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

This is an application for releasing of mobile make Redmi MI-3S bearing IMEI no. **863583032402647 / 863583032402654** on superdari filed by applicant/ registered owner **Sh. Surrender**.

Present : Ld. APP for the State.

Applicant in person.

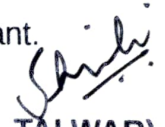
Reply on behalf of IO filed electronically. Same is taken on record. Copy of same has been sent to applicant electronically. As per the reply, it is stated that IO has no objection in releasing the mobile phone make **Redmi MI-3S bearing IMEI no. 863583032402647 / 863583032402654** to the applicant as it is no more required for the purpose of investigation.

Applicant has filed the scanned copy of bill of mobile phone alongwith the application. For the purpose of identity, scanned copy of AADHAR card of applicant is also filed alongwith the application.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Redmi MI-3S bearing IMEI no. 863583032402647 / 863583032402654** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to Ld. Counsel for the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/11.01.2021

State Vs. Harpal etc.  
FIR No. 61/2000  
PS Civil Lines

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Ld. APP for the State.  
Sh. R.M. Singh, Id. Counsel for applicant.

An application seeking release of FDR has been filed electronically by applicant Shiv Kumar. It is submitted by the Ld. Counsel for applicant that the present case has already been disposed off vide order dated 21.05.2015. Therefore, it is requested that FDR retained on record be released to applicant.

Ahmad of this Court submits that the file is in Record Room and he seeks one week time to call the file from Record Room.

Accordingly, put up for consideration on **21.01.2021 (physical hearing day)**.

One copy of the order be uploaded on Delhi District Court Website.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/11.01.2021



11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

**This is an application for releasing of mobile make Samsung Galaxy on superdari filed by applicant/ registered owner Sh. Mohan Dev Sharma.**

Present : Ld. APP for the State.

Applicant in person alongwith Ld. Counsel Sh. R.K. Sharma.

Reply on behalf of IO filed electronically. Same is taken on record. Copy of same has been sent to applicant electronically. As per the reply, it is stated that IO has no objection in releasing the mobile phone make **Samsung Galaxy** to the applicant as it is no more required for the purpose of investigation.

For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Samsung Galaxy** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to Ld. Counsel for the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021

State Vs. Rahul @ Bhaiya s/o Shiv Kumar  
State Vs Rahul s/o Brij Mohan  
FIR No. 02/2021  
PS Sadar Bazar  
U/s 392/394/411/34 IPC

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

*These are two separate applications U/s 437 Cr.P.C. for grant of bail have been moved on behalf of applicants/accused persons namely, Rahul @ Bhaiya s/o Shiv Kumar and Rahul s/o Sh. Brij Mohan.*

Present : Ld. APP for the State.

Proxy counsel for the applicant/accused.

Separate replies of both applications already filed electronically. Copies thereof already supplied to the Ld. Counsel for applicants/ accused persons electronically.

At request of proxy counsel that main counsel is not available today, put up for arguments on the above said bail applications on 13.01.2021.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021

State Vs. Ajay @ Natthu @ Sunny  
FIR No.320/2020  
PS Sadar Bazar  
U/s 392/34 IPC

**11.01.2021**

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Sh. Vikram Dubey, Ld. APP for the State.  
IO ASI Puran Chandra in person.

NBWs issued against accused Ajay @ Natthu @ Sunny received back unexecuted. Report perused. In view of the same, fresh NBWs against accused Ajay @ Natthu @ Sunny be issued, returnable for **15.02.2021**.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/11.01.2021



State Vs. Ajay @ Natthu @ Sunny  
FIR No.218/2020  
PS Sadar Bazar  
U/s 356/379 IPC

**11.01.2021**

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Sh. Vikram Dubey, Ld. APP for the State.  
IO HC Mithun Kumar in person.

NBWs issued against accused Ajay @ Natthu @ Sunny received back unexecuted. Report perused. In view of the same, fresh NBWs against accused Ajay @ Natthu @ Sunny be issued, returnable for **15.02.2021**.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/11.01.2021

(Misc. Application) FIR No.34/2019  
PS Sadar Bazar

**11.01.2021**

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Sh. Vikram Dubey, Ld. APP for the State.

None on behalf of the applicant has appeared despite repeated calls.

Perusal of the previous order-sheets reveal that applicant has not appearing before the Court for last several dates of hearing. Today, also none has appeared on behalf of the applicant, hence, put up on **25.02.2021**.



**(SHIVLI TALWAR)**  
**MM-06(C)/THC/Delhi/11.01.2021**

State Vs. Vinay  
FIR No. 111/19  
PS Sadar Bazar  
U/s 279/338 IPC

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Ld. APP for the State.

Accused Vinay Verma (superdar) in person with Ld. Counsel Sh.  
Y.P.Rana.

An application for cancellation of Superdarinama and permission to sell vehicle bearing No. DL-3C-AQ-4525 moved by the applicant/superdar Sh. Vinay Verma.

It is submitted by the counsel for the applicant that applicant/superdar is the accused in the present matter and he wants to sell the vehicle in question as the validity of the said vehicle is up to 16.04.2021. It is further submitted by Ld. Counsel for applicant that applicant/accused shall not dispute the identity of vehicle in question and its ownership during the course of trial. Statement of accused has been recorded separately to this effect.

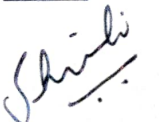
I have heard submissions on application and perused the case file. The case is pending for arguments on the point of charge at this stage. **In Sunderbhai Ambalal Desai & Ors. v. State of Gujarat AIR 2003 SC 638** it was held by Hon'ble Supreme court that:- "In our view, the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously. It would serve various purposes, namely:--

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation;

2. \*\*\*\*\*

3. If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial.

Contd:-





Further in **General Insurance Council & Ors. Vs. State Of A.P. & Ors. 2010 CriLJ 2883** it was held that the photographs of the vehicle may be used as secondary evidence instead of physical production of the vehicle.

In the present case, the trial is only in the initial stages and Prosecution Evidence has not yet begun and it is an admitted fact that it will take time for the final disposal of the case. The validity of the vehicle is only till 16.04.2021. Post the said date, the applicant will be unable to ply the same on road. Considering the peculiar facts, in my opinion it would serve the interest of justice if the present application is allowed. However, before the superdar is given permission to dispose off his vehicle after cancellation of superdarinama, he shall have to produce the vehicle before the IO, who shall take the photographs of the vehicle from different angles (which shall be self attested by the superdar) and prepare a detailed panchnama and place it on judicial file. The photographs & valuation report shall be self attested by applicant.

Hence, the application is allowed. Superdarinama is cancelled. The applicant is at liberty to dispose off the vehicle.

One copy of order be sent to concerned PS for compliance.

One copy be given to the applicant. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021

State Vs. Anuj  
FIR No. 342/20  
PS Civil Lines  
U/s 25/54/59 Arms Act

11.01.2021

*Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.*

Present : Ld. App for the State.

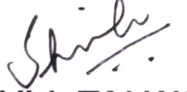
Sh. Prakash Sharma, Ld. Counsel for the applicant/accused.

An application for change of surety has been moved on behalf of applicant/accused Anuj electronically.

Ld. Counsel for applicant/accused requests that the said application be listed alongwith the application filed by surety.

Accordingly, put up for consideration on the above said application on **13.01.2021.**

One copy of the order be uploaded on Delhi District Court Website.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.01.2021