

25.06.2020

Through Video conferencing at 11:40 am.

This is an application for releasing vehicle bearing registration number DL-3CAP-9983 on superdari.

Present : Ld. APP for the State.

Sh. Arvind Gupta, Ld. Counsel on behalf of applicant Amrish Kumar Malhotra joined the meeting despite intimation.

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.

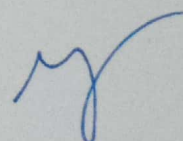
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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."

.....Contd/-



: 2 :

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-3CAP-9983 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.

Application stands disposed off accordingly. One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of applicant and SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(Manoj Kumar)

MM-06/Central/25.06.2020

25.06.2020

Through Video conferencing at 11:30 am.

Application for grant of interim bail to the accused.

Present : Ld. APP for the State.

Sh. Satish Kumar, Ld. LAC on behalf of accused Akash @ Joni joined through Cisco Webex.

This is an application for grant of interim bail to applicant/accused. Ld. LAC argued that applicant/accused is in JC since 12.02.2020. He further argued that due to pandemic COVID-19, lenient view may be taken against him and he may be released on interim bail as per the directions of Hon'ble High Court.

Reply of IO has been filed electronically. Perusal of the reply shows that applicant/accused has been identified in TIP and he is also involved in other cases.

Submissions heard. Perused.

Considering the order of **Hon'ble High Court of Delhi** in WP (C) 2945/2020 in the matter of "*Shobha Gupta & Ors. Versus Union of India & Ors. Dated 23.03.2020*" and minutes of the meeting of "*High Powered Committee*" of Hon'ble High Court of Delhi, **accused is granted interim bail for a period of 45 days from the date of his release from custody, on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of Jail Superintendent concerned subject to the following conditions :-**

1. **That he shall surrender before the authorities concerned after the expiry of 45 days from the day of release.**
2. That he shall not indulge in similar offences or any other offence in the event of release on bail.
3. That he shall not tamper with evidence in any manner.
4. That in case of change of his residential address, he shall intimate the court about the same.

Accused be released from JC if not required in any other case.

One copy of 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. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(Manoj Kumar)

MM-06/Central/25.06.2020

25.06.2020

This is an application for releasing vehicle bearing registration number DL-6SAV-1991 on superdari.

Present : Ld. APP for the State.

Sh. Vishnu Kumar, Ld. Counsel on behalf of applicant Abdul Shakir not joined the meeting despite intimation.

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."

.....Contd/-

: 2 :

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number DL-6SAV-1991 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.

Application stands disposed off accordingly. One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of applicant and SHO PS Sadar Bazar. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

None.

Ld. Counsel for accused telephonically intimated that compliance under Section 207 Cr. P.C. has not been complied with. So, no effective hearing can take place.

Be put up for arguments on charge on 29.07.2020. One copy of order uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

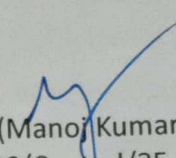
File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

None.

Ld. Counsel for accused seeks time to argue in this matter as his father is ill. So, no effective hearing can take place.

Be put up for arguments on charge on 29.07.2020. One copy of order uploaded on CIS. A printout of the order be tagged with the main case file.


(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

File taken up today in pursuance to the order No.8188-8348/DJ/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.

Present : Ld. APP for the State.

None.

Party/advocate could not be contacted as they are not picking up their phones. So, no effective hearing can take place.

Be put up for arguments on charge on 29.07.2020. One copy of order uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : Ld. APP for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on 09.07.2020

(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : Ld. APP for the State.

IO in person.

Be put up for consideration on charge-sheet/further proceedings on 09.07.2020

(Manoj Kumar)
MM-06/Central/25.06.2020

25.06.2020

This is an application for issuance of production warrant against accused Ajay @ Ganja.

Present : Ld. APP for the State.

None.

IO/Insp. Pawan Kumar has filed an application electronically for issuance of production warrant against accused Ajay @ Ganja S/o Sh. Mohal Lal. IO mentioned in the application that accused Ajay @ Ganja was declared PO in the present case by Ld. MM Ms. Shefali Barnala Tandon vide order dated 03.11.2018. It is also mentioned in the application that accused has been arrested in FIR No.478/20 u/s. 3/25/59 Arms Act and FIR No.477/20 u/s. 307/41/102/411 IPC PS Pakbada and he is lying in JC in Muradabad Jail.

Record perused. Application is considered and allowed.

Let, production warrant be issued against accused Ajay @ Ganja on the above said particulars for 09.07.2020. One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail concerned jail superintendent, SHO PS Muradabad and SHO PS Sadar Bazar. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(Manoj Kumar)
MM-06/Central/25.06.2020