

**Case No.3141/20
FIR no.548/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Present : Ld. APP for the State.

Accused is stated to be in JC but not produced.

It is informed by Reader/ Naib Court that UTPs are not being produced on account of COVID-19 outbreak as they are being remanded for jail itself.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

Previous order be complied afresh for 04.11.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**Case No.1542/17
FIR no.1654/15
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Present : Ld. APP for the State.

Accused Manoj is stated to be in JC but not produced(on bail in this case).

None for accused Rajesh.

It is informed by Reader/ Naib Court that UTPs are not being produced on account of COVID-19 outbreak as they are being remanded for jail itself.

Issue court notice to the Jail Superintendent concerned for production of the accused Manoj **with endorsement that he is on bail in the present case. It be also mentioned on the process that accused need not be detained in case he is not required in any other case.**

In the interest of justice, summons be issued to the accused Rajesh for NDOH.

Be put up on 29.01.2021.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**Case No.3787/20
FIR no.363/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Present : Ld. APP for the State.

Both accused are stated to be in JC but not produced.

None for complainant.

It is submitted by ASI Rajeev on behalf of IO that complainant is out of station.

It is informed by Reader/ Naib Court that UTPs are not being produced on account of COVID-19 outbreak and they are being remanded from jail itself.

In the interest of justice, previous order be complied afresh for 10.11.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh application for release of vehicle bearing no. DL-9SBS-1096 on superdari moved on behalf of the applicant Arun Dadwal has been received on the official E-mail ID of the court.

Present : Ld. APP for the State.

Sh. Arun Dadwal, applicant in person.

Report has been filed on behalf of IO. Same be taken on record. Heard.

Perused.

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 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 :

"1. 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.

2. 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.

3. 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.

4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

5. 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.

6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-9SBS-1096** in question be released to the rightful/registered owner 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.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

FIR no.2824/20
PS RG

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh application for grant of bail u/s 437 CrP.C moved on behalf of the applicant/accused Agam has been received on the official E-mail ID of the court.

Present : Ld. APP for the State.

None for accused.

It is informed by Reader/Ahmad that despite due intimation, none has joined the proceedings through VC on behalf of the accused.

At this stage, it is informed by ASI Rajeev that no such FIR bearing no. 2824/20 has been registered in PS Rajouri Garden.

In view of the above, the present application stands dismissed being not maintainable.

Ld. counsel for accused be informed through proper channel.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh application for release of vehicle bearing no. DL-9SBA-8760 on superdari moved on behalf of the applicant Rajender Singh has been received on the official E-mail ID of the court.

Present : Ld. APP for the State.

Sh. Uday Pratap, Ld. counsel for applicant.

Report has been filed on behalf of IO. Same be taken on record. Heard.

Perused.

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 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 :

"1. 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.

2. 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.

3. 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.

4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

5. 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.

6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-9SBA-8760** in question be released to the rightful/registered owner 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.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

FIR no.457/20
PS RG

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Present : Ld. APP for the State.

None for applicant.

This is application for release of mobile phone.

IO ASI Sanjay Kumar has filed reply wherein it has been stated that mobile phone in question has already been released to the rightful owner in the PS Rajouri Garden itself.

In view of the above, no further action is called for.

Application stands disposed off.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

FIR no.608/2013
PS RG
U/s 326/324/34 IPC
St. Vs. Jai @ Joo @ Nepali

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh application for grant of bail u/s 437 CrP.C moved on behalf of the applicant/accused Jai @ Joo @ Nepali has been received on the official E-mail ID of the court.

Present : Ld. APP for the State.

Sh. Gautam Kumar Jaina, Ld. counsel for accused Jai @ Joo @ Nepali.

The present bail application under section 437 Cr.P.C. seeking regular bail has been filed on behalf of accused and it is submitted that he is in custody since 13.08.2020. It is further argued that the accused has been falsely implicated in the present case. It is requested that accused be released on bail.

The bail application has been opposed by the State and it is submitted that accused has committed serious offence which cannot be over looked.

Heard. Record perused. The present FIR is for offence u/s 326 IPC. Maximum punishment provided for Section 326 IPC is imprisonment for life. Section 437 (1) Cr.PC reads as under :-

“(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life.”

In view of the above statutory provisions and considering the gravity of allegations, this Court is not inclined to grant bail to the accused. Accordingly, the bail application is hereby dismissed.

Copy of order be given dasti.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**FIR no.14276/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh charge-sheet filed today. It be checked and registered.

Present : Ld. APP for the State.

Accused is stated to be on court bail but not appearing.

IO HC Noor Singh Mehra in person.

Be put up for consideration on 04.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**FIR no.48/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh charge-sheet filed today. It be checked and registered.

Present : Ld. APP for the State.

Accused is stated to be chargesheeted without arrest.

IO HC Noor Singh Mehra in person.

Be put up for consideration on 04.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**FIR no.630/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh charge-sheet filed today. It be checked and registered.

Present : Ld. APP for the State.

All accused persons are stated to be on police bail but not appearing.

IO HC Noor Singh Mehra in person.

Be put up for consideration on 04.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**FIR no.686/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh charge-sheet filed today. It be checked and registered.

Present : Ld. APP for the State.

All accused persons are stated to be on police bail but not present.

IO HC Noor Singh Mehra in person.

Be put up for consideration on 04.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020

**FIR no.55/20
PS RG**

26.09.2020

Proceedings through VC

Today's court proceedings are being conducted through VC as undersigned is under Home Quarantine in view of the Covid-19 Protocol.

Fresh charge-sheet filed today. It be checked and registered.

Present : Ld. APP for the State.

Accused is stated to be on police bail but not appearing.

IO HC Noor Singh Mehra in person.

Be put up for consideration on 04.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
26.09.2020