

08.05.2020

Present : Ld. APP for the state.
Applicant in person.

Instead of releasing the vehicle bearing registration no. **DL 10 CJ 9237** on superdari, this Court is of the view that the vehicles have 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.

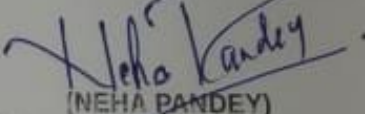
71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

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."

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi** as well as reply of the IO received through email of the undersigned that he has no objection if the said vehicle is released to the applicant, vehicle in question bearing registration number **DL 10 CJ 9237** be released by IO to the owner of the vehicle or any other person duly authorised by the owner after producing original documents of the vehicle as well as on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per above directions. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

In spite of being called many times, the applicant has not appeared to collect the copy of this order. **The concerned official of the computer branch is directed to upload this on website of District Courts today itself.**


(NEHA PANDEY)
Duty MMWEST/08.05.2020