

28.06.2020

This is an application for releasing articles i.e. **Silver and gold articles as mentioned in the application.**

Present : None for the State.
Applicant in person with Counsel.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

"59. The valuable articles seized by the police may be released to the person, who , in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Silver and gold articles as mentioned in the application** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

प्रति (21)

Dasti copy of order be given as prayed for.

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
28.06.2020

FIR No.642/2020
PS Nihal Vihar
State Vs. Manoj

28.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused (through CISCO Webex).

During the course of arguments, Ld. Counsel for accused submits that the accused wishes to participate in the test identification proceedings.

In view of the same, Naib Court, who is present in the Court is directed to contact the IO of the instant FIR and apprise the IO regarding the willingness of the accused for participation in TIP.

IO is at liberty to file appropriate application before the concerned Duty MM, deputed in Tihar Jail for conducting the TIP proceedings at the earliest.

Put up for consideration on 01.07.2020.


BY ORDER OF SH. PUNEET
NAGPAL, Ld.DUTY MM (West)
THC, Delhi (DICTATED THROUGH
CISCO WEBEX)/28.06.2020

FIR No.85/2020
PS Patel Nagar
State Vs. Gaurav Kakkar

28.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused (through CISCO (Webex)).

Further arguments heard.

During the course of arguments, it was observed that the accused is not in JC and is out on interim bail. Therefore, Ld. Counsel for accused was questioned as to the maintainability of the instant application.

Ld. Counsel for accused has sought some time for addressing arguments on the point of law as to whether an accused who is not in JC can file/prefer a bail application. Allowed.

Put up on 01.07.2020.

Date has been given as per request of Ld. Counsel for accused.

BY ORDER  OF SH. PUNEET
NAGPAL, Ld.DUTY MM (West)
THC, Delhi (DICTATED THROUGH
CISCO WEBEX)/28.06.2020

State Vs. Sonu
FIR No.697/2020
PS Nihal Vihar

28.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused through CISCO (Webex).

At request, put up for consideration on 29.06.2020.


BY ORDER OF SH. PUNEET
NAGPAL, Ld.DUTY MM (West)
THC, Delhi (DICTATED THROUGH
CISCO WEBEX)/28.06.2020

FIR No.11870/2020
PS Ranhola

28.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused (through CISCO (Webex).

At request, put up on 01.07.2020.


BY ORDER OF SH. PUNEET
NAGPAL, Ld.DUTY MM (West)
THC, Delhi (DICTATED THROUGH
CISCO WEBEX)/28.06.2020