

FIR No. 709/20
U/s 420/34 IPC
PS: Maya Puri
22 .10.2020

State Vs. Gillin

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX MEETING

URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State

Sh. Akhil, Ld. Counsel for the applicant/accused.

Arguments heard on the bail application moved on behalf of the applicant/accused. It is stated that the accused is falsely implicated in the present case.

Bail application is opposed by Ld. APP for state.

As the complainant has failed to identify the accused during TIP proceedings, investigation qua the accused is completed and the accused is not previously involved in any other criminal case, no useful purpose will be served by keeping the accused in JC Accordingly, the accused Gillin be hereby released on bail on his furnishing the personal bond in the sum of Rs. 15,000/- and one surety of the like amount.

E-Copy of this order be sent to Jail Supdt. Concerned and be given Dasti to the Ld. counsel, as prayed for.

**PANKAJ
ARORA**

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PANKAJ ARORA
Date: 2020.10.22
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Pankaj Arora)

MM-03(West)/THC/Delhi

This is an application for releasing vehicle bearing no. DL-4SCE-5384 on Superdari.

Present:- Ld. APP for the State.
Ld. counsel for the applicant.
IO has filed his reply. Taken on record.

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** wherein it has been held that

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 reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. **DL-4SCE-5384** be released to the **registered owner after due identity verification** and 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.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.



(Pankaj Arora)
MM-03/West/THC/Delhi
22.10.2020

This is an application for releasing articles i.e mobile phone.

Present:- Ld. APP for the State.
Ld. counsel for the applicant.
IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article 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

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify and IMEI number verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.



(Pankaj Arora)
MM-03/West/THC/Delhi
22.10.2020


FIR No. 981/20
PS: Nihal Vihar
22.10.2020

Present:- Ld. APP for the State.

None.

Issue summons to the IO/SI Sandeep for NDOH.

Put up for further proceedings on 23.10.2020 at 12.30 p.m.


(Pankaj Arora)
MM-03/West/THC/Delhi
22.10.2020