

07.07.2020

Present : Ld. APP for the State.

IO/ASI Bindeshwari Prasad is absent despite intimation.

IO has moved an application electronically for cancellation of bail of accused Sonu @ Naresh.

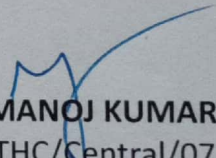
Let, notice be issued to accused/Counsel for accused through IO with direction to remain available on Cisco Webex.

IO is directed to provide the particulars of accused Sonu @ Naresh/Counsel for accused through e-mail. He is also directed to remain available on Cisco Webex.

Let, copy of application be sent to accused/Ld. Counsel for accused.

Be put up for consideration on application of IO/FP on 08.07.2020.

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


(MANOJ KUMAR)

MM-06/THC/Central/07.07.2020

07.07.2020

Through Video conferencing at 11:30 pm.

Present : Ld. APP for the State.

Sh. Faheem Alam, Ld. Counsel for the applicant/accused Abdul Karim @ Rahul

Thakur joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

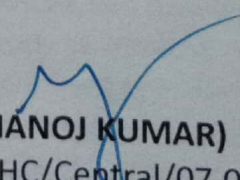
This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 22.06.2020. Ld. Counsel argued that there is cheating of Rs.900/- only. He further argued that investigation is almost complete and there is no one to look after his family. Therefore, he should be granted bail in this matter.

Reply of IO has been filed wherein it has been submitted that applicant/accused is involved in other case bearing FIR No.56/17 U/s. 420 IPC PS Hauz Khas. It is also mentioned that other victims still to be traced out.

Submissions of both sides heard.

Investigation is at initial stage, his accounts to be verified and victims still to be traced out. The accused is also found involved in similar other case, so accused is not entitled to bail. So, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of 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/THC/Central/07.07.2020

07.07.2020

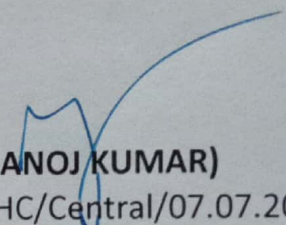
Present : Ld. APP for the State.

Sh. Pulkit Jain, Ld. Counsel for the applicant/accused Vikas Jha joined through Cisco Webex.

Report not received from Superintendent, Tihar Jail, Delhi.

Let, fresh report be called from Jail Superintendent on the application of the applicant/accused Vikas Jha S/o Sh. Ram Pratap Jha through e-mail for **08.07.2020** at **10:00 am**.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of 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/THC/Central/07.07.2020

07.07.2020

Through Video conferencing at 11:25 pm.

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

Present : Ld. APP for the State.

Sh. Prem Kumar Singh, Ld. Counsel for applicant Shiv Bahadur joined through Cisco

Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

IO has filed his reply electronically.

Initially, e-FIR No.000641/20 got filed. However, the same got transferred to PS Sadar Bazar and its number also got changed to e-FIR No.35/20. The recovery effected in PS Sadar Bazar. So, application is allowed.

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. mobile phone (IMEI No.869577049441956 & 869577049441949) be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number 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.

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

(MANOJ KUMAR)

MM-06/THC/Central/07.07.2020

07.07.2020

Through Video conferencing at 11:35 am.

This is an application for releasing vehicle bearing registration number DL-8SCA-7540 on superdari.

Present : Ld. APP for the State.

Sh. Nadeem Hussain, Ld. Counsel for the applicant Abdul Kadir joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also joined through Cisco Webex.

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 Crl. 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.

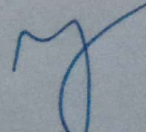
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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/-



Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number DL-8SCA-7540 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.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of 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/THC/Central/07.07.2020

07.07.2020

FIR No.261/17
PS : Sadar Bazar

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 their mobile numbers are not available on record. So, no effective hearing can take place.

At request, be put up for purpose already fixed for 20.10.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)

MM-06/Central/07.07.2020

07.07.2020

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 has been contacted through mobile phone by the Ahlmad of the Court. He seeks time to argue in this matter. So, no effective hearing can take place.

At request, be put up for purpose already fixed for 20.10.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(Manoj Kumar)

MM-06/Central/07.07.2020

07.07.2020

Fresh charge-sheet filed. Let, it be checked and registered.

Present : Ld. APP for the State.

IO in person.

Be put up for consideration on charge-sheet/FP on 21.07.2020.

(Manoj Kumar)

MM-06/Central/07.07.2020

07.07.2020

Fresh charge-sheet filed. Let, it be checked and registered.

Present : Ld. APP for the State.

IO in person.

Be put up for consideration on charge-sheet/FP on 21.07.2020.

(Manoj Kumar)

MM-06/Central/07.07.2020