

21.07.2020

(Through Video Conferencing at 11.10 am)

This is an application for releasing of mobile phone.

Present : Ld. APP for the State joined on Cisco Webex.

Mr. Kashtub Nand Joshi, Ld. Counsel for applicant has not joined on Cisco Webex despite information.

IO has filed his reply electronically.

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 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/Civil Lines and Ld. Counsel for applicant. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/21.07.2020

21.07.2020

(Through Video Conferencing at 11.05 am)

This is an application for releasing of mobile phone.

Present : Ld. APP for the State joined on Cisco Webex.

Mr. Manish, Ld. Counsel for applicant has not joined on Cisco Webex despite information.

IO has filed his reply electronically.

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 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/Civil Lines and Ld. Counsel for applicant. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 434/15
PS- Civil Lines
State Vs. Shankar and others
U/s 186/353/332/34 IPC

21.07.2020

(Through Video Conferencing at 11.25 am)

This is an application for declaring accused persons namely, (1) Shankar s/o Sh. Shyam, (2) Prithvi s/o Sh. Narayan Singh, (3) Pawan Singh s/o Sh. Suresh Singh & (4) Ms. Shaheen Praveen d/o Sh. Rehmat as PO.

Present : Ld. APP for the State joined through Cisco Webex.
IO/SI Robin also joined through Cisco Webex.

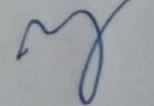
An application for declaring the above said accused persons as PO has been moved by IO through electronically.

IO has also filed the cutting of newspaper showing the publication of proclamation of accused Shankar, Prithavi, Pawan & Ms. Shaheen Praveen.

Perusal of application shows that vide order dated 16.03.2020, this Court had issued the process u/s 82 Cr.P.C. against the above said accused persons directing them to appear before the Court on 22.05.2020.

I have perused the relevant documents. Considering that due to Covid - 19 Pandemic, whole country remained under complete/partial lockdown during the period when process u/s 82 Cr.P.C. got executed against the accused persons, so, accused persons could not appear before the Court on 22.05.2020 as working of the Court also remained suspended during that time.

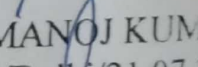
Thus, process u/s 82 Cr.P.C. not effectively concluded. So, present application is dismissed.



Hence, process u/s 82 Cr.P.C. be issued afresh against the accused persons to be executed through IO concerned, returnable to this Court on NDOH. Statutory time of 30 days be given to the accused persons to appear before the Court. Publication be also made in leading national newspaper.

Put up the matter for report on process under section 82 Cr.P.C. on 25.09.2020.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar. The printout of the application and order be kept for records.


(MANOJ KUMAR)
MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 26/20
PS- Civil Lines
State Vs. Sonu @ Naresh
U/s 356/379/411/34 IPC

21.07.2020

(Through Video Conferencing at 11.15 am)

This is an application for cancellation of bail granted to accused Sonu @ Naresh.

Present : Ld. APP for the State joined through Cisco Webex.
IO/ASI Bindeshwari joined through Cisco Webex.

An application for cancellation of bail granted to accused Sonu @ Naresh has been filed by IO electronically. It is submitted by IO that accused was granted bail by Ld. Sessions Court on 12.03.2020, however, after releasing from jail, he committed other offences.

Heard. Perused.

As bail was granted by Ld. Sessions Court, this Court cannot cancel the bail of the accused.

At this stage, IO seeks permission to withdraw the present application.

Heard. Request is allowed. The present application stands disposed of as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar. The printout of the application and order be kept for records.

(MANOJ KUMAR
MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 71/20
PS- Sadar Bazar
u/s 188/269 IPC
Case No.

21.07.2020

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

Present : Ld. for the State.

IO in person.

Be put up for consideration on 25.08.2020.

One copy of the order be uploaded on CIS. A printout of the order be tagged with the main case file.

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 82/20
PS- Sadar Bazar
u/s 188/269/270 IPC
Case No.

21.07.2020

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

Present : Ld. for the State.

IO in person.

Be put up for consideration on 25.08.2020.

One copy of the order be uploaded on CIS. A printout of the order be tagged with the main case file.

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 63/20
PS- Sadar Bazar
u/s 188/269 IPC
Case No.

21.07.2020

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

Present : Ld. for the State.

IO in person.

Be put up for consideration on 24.08.2020.

One copy of the order be uploaded on CIS. A printout of the order be tagged with the main case file.

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/21.07.2020

FIR No.: 42/20
PS- Sadar Bazar
u/s 188/269/34 IPC
Case No.

21.07.2020

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

Present : Ld. for the State.

IO in person.

Be put up for consideration on 24.08.2020.

One copy of the order be uploaded on CIS. A printout of the order be tagged with the main case file.

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/21.07.2020

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