

State Vs. Vishal @ Modda  
FIR No. 9112/20  
U/s 379/411/34 IPC  
PS Khyala

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel for accused/applicant through VC.

An application for bail u/s 437 Cr. P. C has been filed on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

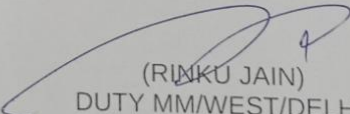
Accused is in JC since 16.07.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody in view of the current situation of outbreak of pandemic Covid-19.

In view of the same, the application of the applicant/accused namely Vishal @ Modda s/o Kishan Lal is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail bond / surety bond not filed.

The application is disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Deepak  
FIR No. 736/20  
U/s 33/38 Delhi Excise Act  
PS Nihal Vihar


27.07.2020

Present: Ld. APP for State.  
None for applicant despite repeated calls.

Reply filed by the IO. Same is taken on record.

Upon perusal of the application no mobile number or  
contact details of Id counsel for accused/applicant is found.

Put up for consideration on 30.07.2020.



(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

DD No. 31 A  
dt. 26.07.2020  
U/s 279/337 IPC  
Vehicle No. DL 1LAC 2112  
PS Rajouri Garden

27.07.2020

**This is an application for releasing vehicle bearing no. DL 1LAC 2112 and 442 hens on Superdari.**

Present - Ld. APP for the State.  
Ld. counsel for 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."*

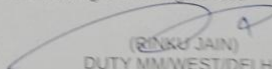
The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014**.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. DL 1LAC 2112 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.

Ld. Counsel for applicant wishes to withdraw the application qua release of 442 hens with liberty to file afresh.

Copy of this order be given dasti to applicant.

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

  
(RINKY JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Ajay Kumar  
FIR No. 169/20  
U/s 279/337 IPC  
Vehicle No. DL 1ZC 9996  
PS Rajouri Garden

27.07.2020

*This is an application for releasing vehicle bearing no. DL 1ZC 9996  
on Superdari.*

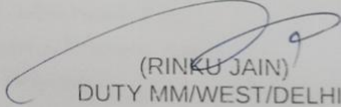
Present:- Ld. APP for the State.  
None for applicant.

Report filed by IO.

As per the report, the vehicle has already been released vide order dt.

25.07.2020.

In view of the same, the application stands disposed off as infructuous.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Bobi @ Salim  
FIR No. 153/20  
U/s 356/379/411 IPC  
PS Nangloi

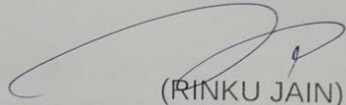
27.07.2020

Present: Ld. APP for State.  
Ld. Counsel for applicant.

Ld. Counsel for applicant submits that he wishes to  
withdraw the present application.

Heard. Perused.

In view of submission of ld counsel for applicant, the  
application stands disposed off as withdrawn.



(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Not known  
FIR No. 010466/20  
U/s 379 IPC  
PS Khyala

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel for applicant through VC.

Ld counsel for applicants wishes to withdraw the present application. He has sent his statement to Ahlmad of this Court through whatsapp. Same is taken on record.

In view of the same, the application stands disposed off as withdrawn.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



State Vs. Sumit  
FIR No. 576/20  
U/s 25/54/59 Arms Act  
PS Rajouri Garden

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel for accused/applicant.

An application for bail u/s 437 Cr. P.C filed on behalf of accused/applicant.

Reply filed on behalf of IO. Same is taken on record.

Heard. Perused.

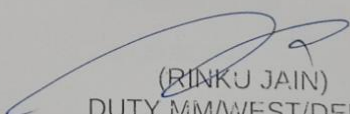
Accused is in JC since 02.07.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Sumit s/o Sanjiv Kumar is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail Bond / surety bond not filed.

A copy of this order be given dasti.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Jogender Singh  
FIR No. 536/19  
u/s 336 IPC  
PS Rajouri Garden

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Ashutosh Gupta with  
accused/applicant.

An application for release of .32 bore revolver (7.65) SAF  
KANPUR IN 2007 J4446, 4 live cartridges and original arms license of  
the accused/applicant.

Reply received from IO. Same is taken on record.

As per the reply filed by the IO, the abovementioned  
revolver is deposited with FSL for expert opinion. Result of the same is  
awaited.

Ld counsel for accused/applicant submits that IO be  
directed to file the charge sheet as early as possible and also send a  
reminder to FSL regarding the expert report/opinion.

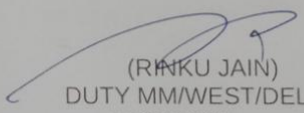
Ld counsel further submits that he is ready to withdraw the  
present application.

Heard. Perused.

IO of the case shall send a reminder to FSL regarding filing  
of the expert opinion and he shall file the charge sheet as early as  
possible before the concerned Court.

The present application stands disposed off as withdrawn  
with the abovesaid directions.

Copy of this order be sent to IO for compliance.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



State Vs. Suraj @ Haddi  
FIR No. 497/20  
U/s 356/379/34 IPC  
PS Khyala

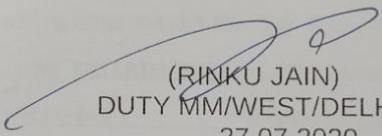
27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Rahul Madan from DLSA.

Reply not yet filed by the IO.

Same be filed positively by NDOH.

Put up for purpose fixed on 29.07.2020.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Vishal @ Mukesh  
e-FIR No. 358/20  
U/s 411 IPC  
PS Paschim Vihar East

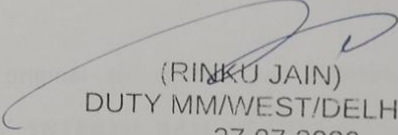
27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Rahul Madan from DLSA.

Reply not yet filed by the IO.

Same be filed positively by NDOH.

Put up for purpose fixed on 29.07.2020.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Rahul @ Sunny  
FIR No. 613/2020  
U/s 380/411/34 IPC *West*  
PS Paschim Vihar ~~East~~

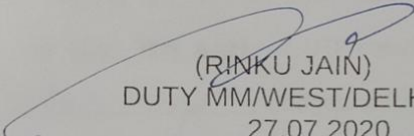
27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Rahul Madan from DLSA.

Reply not yet filed by the IO.

Same be filed positively by NDOH.

Put up for purpose fixed on 29.07.2020.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Sonu  
FIR No. WD-HN-000386/2020  
U/s 379 IPC  
PS Hari Nagar

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Pawan Kumar for accused through  
VC.

An application for bail u/s 437 Cr. P. C has been filed  
on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

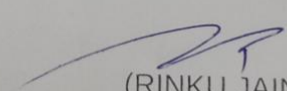
Accused is in JC since 07.06.2020. Recovery has  
already been effected from accused. No fruitful purpose would be  
served by keeping the accused in custody.

In view of the same, the application of the  
applicant/accused namely Sonu s/o Munna is allowed and  
accused is admitted to bail on furnishing of personal bond in the  
sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only  
after verification through IO of this case.

Bail bond / surety bonds not filed.

The application stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Shami Ahmed  
FIR No. 432/2020  
U/s 25/54/59 Arms Act  
PS Hari Nagar

27.07.2020

Present: Ld. APP for State.  
Ld LAC Sh. Rahul Madan.

An application for interim bail is filed on behalf of accused/applicant.

Report filed by IO. Same is taken on record.

Ld. LAC on behalf of accused/applicant submits that the present application be considered as one u/s 437 Cr. P.C for grant of regular bail.

Heard. Perused.

As per the submission of ld counsel, the present application is being treated as one file u/s 437 Cr. P.C.

Accused is in JC since 17.06.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody.

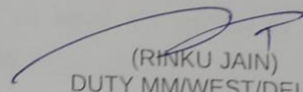
In view of the same, the application of the applicant/accused namely Shami Ahmed @ Sammy s/o Munazir Alam is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail Bond / surety bond not filed.

A copy of this order be given dasti at request of Ld. LAC.

The applicaton stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



State Vs. Roshan  
FIR No.485/20  
U/s 379/411 IPC  
PS Paschim Vihar East

27.07.2020

This is an application for releasing articles i.e Rs. 25,500 & one Aadhar Card No. 6747 2870 2663 on superdari.

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

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 :-

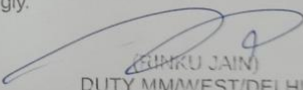
*"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of 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**, Rs. 25,500 & one Aadhar Card No. 6747 2870 2663 in question as per seizure memo be released to the applicant by IO on furnishing valid address proof, security bond as per satisfaction of IO and after preparation of panchnama and taking photographs of the cash and Aadhar Card as per above 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. Dasti copy of order be given as prayed for.

The application stands disposed off accordingly.

  
(PANKU JAIN)  
DUTY MMWEST/DELHI  
27.07.2020

FIR No. 402/19  
U/s 279/337 IPC  
PS Khyala  
Vehicle No. DL 9SBA 1210

27.07.2020

***This is an application for releasing vehicle bearing no. DL 9SBA 1210 on Superdari.***

Present-Ld. APP for the State.

SPA of original owner along with original owner of the vehicle.

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 Cri. 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 9SBA 1210 be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. **IO to verify valid insurance certificate of the vehicle before releasing the same.** 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 dasa to applicant.

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

(RINKU JAIN)  
DUTY JUDGE WEST/DELHI

27.07.2020

रिंकु जैन  
RINKU JAIN  
महानगर दंडाधिकारी (एन आर एक्ट-०२) (पश्चिम)  
Metropolitan Magistrate (NI Act-02)(West)  
कमरा नं. १०१, कोर्ट (एनएक्स-३३)  
Room No. 101, Court (ANNEXE-33)  
टीस हजारी कोर्ट  
Tis Hazari Courts  
दिल्ली-११००५४  
DELHI-110054

State Vs. Unknown  
FIR No. 011859/20  
U/s 379 IPC  
PS Paschim Vihar (West)  
Vehicle No. DL 8CN-9376

27.07.2020

**This is an application for releasing vehicle bearing no. DL 8CN-9376 on Superdari.**

Present:- Ld. APP for the State.  
Applicant with Ld. Counsel Sh. K.N Joshi.  
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 CrI. 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 8CN-9376 be released to the **registered owner after due identity verification and also valid insurance certificate of the vehicle be verified** 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



(RINKU JAIN)  
महानगर दंडाधिकारी (पश्चिम)  
Metropolitan Magistrate (West)  
दिल्ली-११००५४  
Delhi-110054



State Vs. Deepak  
FIR No. 00-NG-000457  
U/s 379 IPC  
PS Nagloi (Outer District)

27.07.2020

This is an application for releasing article i.e. Mobile Phone make Realme on superdari.

Present : Ld. APP for the State.  
Applicant with Ld. Counsel Sh. K.N Joshi.

Reply filed by the IO. 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.

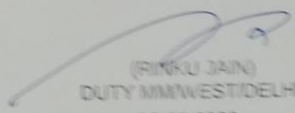
Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of Hon'ble Supreme Court of India in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (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, mobile phone in question as per seizure memo be released to the applicant by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above 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. Dasti copy of order be given as prayed for.

  
(RINKU JAIN)  
DUTY MMWEST/DELHI  
27.07.2020

to the IO  
P/o 0.48, panch  
and panchnama  
n  
Dast

State Vs. Unkown  
FIR No. OD-NG 000472/2020  
U/s 279 IPC  
PS Nangloi

27.07.2020

This is an application for releasing articles i.e. Jewellery Articles and House utensils & one laptop on superdari.

Present: Ld. APP for State.  
Applicant with Ld. Counsel Sh. Vikas Singh.

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.

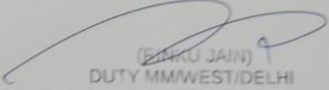
**Hon'ble High Court of Delhi** in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ 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**, articles i.e. Jewellery Articles and House utensils or one laptop in question as per seizure memo be released to the applicant by IO on furnishing ownership proof, security bond as per valuation report of articles and after preparation of panchnama and taking photographs of the articles as per above 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. Dasti copy of order be given as prayed for.

  
(PRATIK JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



State Vs. Mahesh @ Manish  
FIR No. 623/20  
U/s 454/380/411/34 IPC  
PS Nagloi

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel for accused through VC.

An application for bail u/s 437 Cr. P. C has been filed on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

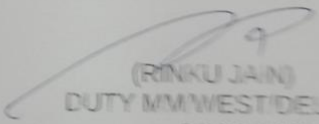
Accused is in JC since 06.06.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Mahesh @ Manish s/o Ramdin is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail bond / surety bond not filed.

The application stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Jogender Singh  
FIR No. 536/19  
u/s 336 IPC  
PS Rajouri Garden

27.07.2020

Present: Ld. APP for State.  
Ld. Counsel Sh. Ashutosh Gupta with  
accused/applicant.

An application for release of .32 bore revolver (7.65) SAF  
KANPUR IN 2007 J4446, 4 live cartridges and original arms license of  
the accused/applicant.

Reply received from IO. Same is taken on record.

As per the reply filed by the IO, the abovementioned  
revolver is deposited with FSL for expert opinion. Result of the same is  
awaited.

Ld counsel for accused/applicant submits that IO be  
directed to file the charge sheet as early as possible and also send a  
reminder to FSL regarding the expert report/opinion.

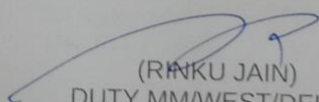
Ld counsel further submits that he is ready to withdraw the  
present application.

Heard. Perused.

IO of the case shall send a reminder to FSL regarding filing  
of the expert opinion and he shall file the charge sheet as early as  
possible before the concerned Court.

The present application stands disposed off as withdrawn  
with the abovesaid directions.

Copy of this order be sent to IO for compliance.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Unknown  
FIR No. 040399/19  
U/s 379 IPC  
PS Nihal Vihar  
Vehicle No. DL-4S-CS-2100

27.07.2020

**This is an application for releasing vehicle bearing no. DL-4S-CS-2100 on Superdari.**

Present:-Ld. APP for the State.

SPA of original owner with Ld. Counsel.

IO has filed his reply. Same is 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."*

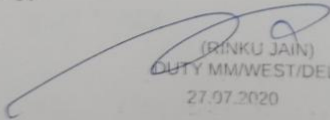
The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. DL-4S-CS-2100 be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. **IO to verify valid insurance certificate of the vehicle before releasing the same.** 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.

The application stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Unknown  
FIR No. OD NV 000389/20  
U/s 379 IPC  
PS Nihal Vihar (e Police Station)

27.07.2020

Fresh application filed for releasing article i.e. Mobile Phones  
make Vivo SI, Vivo Y55S & cash on superdari.

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

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.

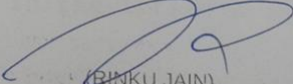
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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**, mobile phones and cash in question as per seizure memo be released to the original owner by IO if the same are not further required for the investigation and IO has no objection for the release of the same on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above 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.

Dasti copy of order be given as prayed for.

The application stands disposed off accordingly.

  
(BINU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



State Vs. Vijay  
e-FIR No.OD-PCW-000511/20  
U/s 379 IPC  
PSPaschim Vihar West

27.07.2020

This is an application for releasing article i.e Mobile make Oppo on superdari.

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

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.

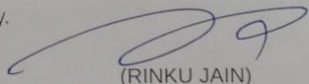
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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**, mobile phone in question as per seizure memo be released to the applicant by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above 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.

Dasti copy of order be given as prayed for.

The application stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020



FIR No. 694/20  
U/s 379/20  
PS Nangloi

27.07.2020

This is an application for releasing article i.e. Mobile Phone make Oppo A3s on superdari.

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

Report filed on behalf of IO. 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.

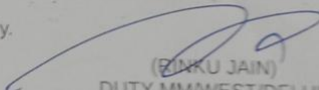
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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**, mobile phone in question as per seizure memo be released to the applicant by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above 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.

Dasti copy of order be given as prayed for.

The application stands disposed off accordingly.

  
(VINAY KUMAR JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Not known  
FIR No. 014276/20  
U/s 379 IPC  
Vehicle No. DL 6SN 1312  
PS Rajouri Garden

27.07.2020

*This is an application for releasing vehicle bearing no. DL 6SN 1312 on Superdari.*

Present:- Ld. APP for the State.

Ld. counsel for 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 Gujarat, 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."*

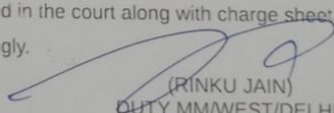
The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014**.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. DL 6SN 1312 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.

The application stands disposed off accordingly.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI

27.07.2020

FIR No. 798/19  
u/s 323/509/34 IPC & 3,4 of Muslim Women  
(Protection) of Rights on Marriage Act 2019  
PS Nihal Vihar

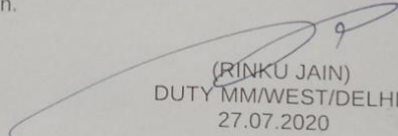
27.07.2020

Present: Ld. APP for State.  
Ld counsel for applicant.

Status report filed. Same is taken on record.

Ld counsel for applicant wishes to withdraw the present application.

In view of submission of ld counsel for applicant, the present  
application stands disposed off as withdrawn.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Ajay @ Gaurav  
FIR No. 619/2020  
U/s 380/34 IPC  
PS Khyala

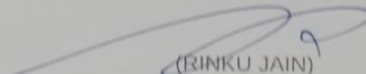
27.07.2020

Present: Ld. APP for State.  
Ld counsel Sh. Ajay Kumar for applicant.

The present application pertains to summoning of status report regarding release of applicant/accused.

It is submitted by ld counsel for accused/applicant that accused/applicant has already been released. He wishes to withdraw the present application.

In view of submission of ld counsel for applicant/accused, the present application stands disposed off as withdrawn.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020

State Vs. Ajay @ Gaurav  
FIR No. 525/2020  
U/s 392/34 IPC  
PS Rajouri Garden

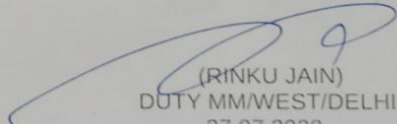
27.07.2020

Present: Ld. APP for State.  
Ld counsel Sh. Ajay Kumar for applicant.

The present application pertains to summoning of status report regarding release of applicant/accused.

It is submitted by ld counsel for accused/applicant that accused/applicant has already been released. He wishes to withdraw the present application.

In view of submission of ld counsel for applicant/accused, the present application stands disposed off as withdrawn.

  
(RINKU JAIN)  
DUTY MM/WEST/DELHI  
27.07.2020