

State Vs. Vehicle No. DL-1SAB-8684

FIR No.128/2020

PS: IP Estate

रिशभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

07.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Ms. Charu Nagpal Ld. Counsel for applicant

Counsel for applicant has filed the scanned copies of the surviving members certificate and documents qua transfer of deceased's property in applicant's name, through email. Same are perused.

Submissions heard. Record perused.

This order shall dispose off the application for release of **vehicle no. DL-1SAB-8684** on Superdari, moved on behalf of **applicant Neeshu**.

In reply dated 05.08.2020 filed by IO/SI Deepak Kumar, it has been stated that vehicle bearing no. DL-1SAB-8684 has been recovered in connection with present case FIR and same is lying in Malkhana of PS I.P Estate. Further, in the reply as received from the IO, he has raised no objection if the vehicle aforesaid is released on superdari.

It is submitted by the counsel for applicant that applicant Neeshu is the widow of deceased registered owner namely Sohanvir Singh. It is also submitted that apart from applicant, deceased Sohanvir is survived by his two minor sons namely Abhinav Balyan and Vaibhav Balyan and there is no other legal heir of deceased Sohanvir. Scanned copy of surviving member certificate of deceased Sohanvir Singh is perused as per which apart from applicant Neeshu, deceased is survived by his two minor sons namely Abhinav Balyan and Vaibhav Balyan. For the purposes of identity applicant has sent scanned copy of her Aadhar card along with the application.

Neeshu
07/08/2020.

On perusal of the report of IO along with the copies of documents on record, as applicant Neeshu, prima facie appears to be entitled for the custody of the vehicle in question, accordingly her prayer for release of same deserves to be accepted.

In these circumstances and 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, the aforesaid vehicle be released to the applicant subject to the following conditions:-

1. Vehicle in question be released to its applicant only subject to furnishing of indemnity bond as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall verify the Surviving member certificate No.90660000046814 from the concerned Revenue Department, prior to release of vehicle.
3. IO shall prepare detailed Panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
5. The photographs should be attested and counter signed by the complainant/applicant and accused.
5. IO is directed to verify the insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

Scanned copy of this order be sent to Ld. Counsel for applicant through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi
07.08.2020