

State Vs. Sajid @ Baniya
e-FIR No.000248/20
U/s 379/411/34 IPC
PS Kirti Nagar

13.08.2020

Present: Ld. APP for State.
None for accused/applicant.

Vide order dt. 09.08.2020 passed by the Court of Dr. Jagminder Singh, Ld. CMM (West)/ Delhi while working as Duty MM for West District, Delhi, accused Sajid @ Baniya was granted bail on furnishing of personal bonds in the sum of Rs. 10,000/- with one surety in the like amount.

On 10.08.2020 a stamped copy of said bail order was sent back by Dy. Supdt. Central Jail No.1, Tihar, New Delhi with an endorsement that the order does not mentions the father's name and address of the accused and therefore, the same be mentioned to avoid any wrong release.

Perusal of the order dt. 09.08.2020 shows that the same is only a bail order and it nowhere mentions that same be treated as release warrants or that the bail bonds/surety bonds have been filed and accepted.

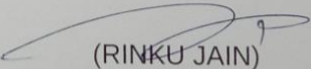
It appears that the dasti copy of the order has been treated as release warrants by the Dy. Supdt.

Concerned Dy. Supdt. shall file a reply within three days explaining how the order dt. 09.08.2020 mandated him to release the accused from custody or how the same was treated as release warrants.

It is clarified that order dt. 09.08.2020 is not to be treated as release warrants in the absence of specific release warrants in view of the aforementioned.

A copy of this order be sent to Jail Supdt. Tihar Jail, Delhi for compliance.

Put up for further orders before Ld. CMM (West)/Delhi on 17.08.2020.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Bholu Gupta
FIR No. 345/20
U/s 379/411/34 IPC
PS Patel Nagar

13.08.2020

Present: Ld. APP for State.
None for accused/applicant.

Vide order dt. 09.08.2020 passed by the Court of Dr. Jagminder Singh, Ld. CMM (West)/ Delhi while working as Duty MM for West District, Delhi, accused Bholu Gupta was granted bail on furnishing of personal bonds in the sum of Rs. 10,000/- with one surety in the like amount.

On 10.08.2020 a stamped copy of said bail order was sent back by Dy. Supdt. Central Jail No.1, Tihar, New Delhi with an endorsement that the order does not mentions the father's name and address of the accused and therefore, the same be mentioned to avoid any wrong release.

Perusal of the order dt. 09.08.2020 shows that the same is only a bail order and it nowhere mentions that same be treated as release warrants or that the bail bonds/surety bonds have been filed and accepted.

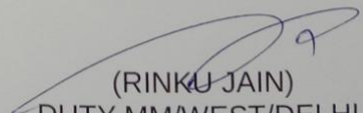
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Concerned Dy. Supdt. shall file a reply within three days explaining how the order dt. 09.08.2020 mandated him to release the accused from custody or how the same was treated as release warrants.

It is clarified that order dt. 09.08.2020 is not to be treated as release warrants in the absence of specific release warrants in view of the aforementioned.

A copy of this order be sent to Jail Supdt. Tihar Jail, Delhi for compliance.

Put up for further orders before Ld. CMM (West)/Delhi on 17.08.2020.

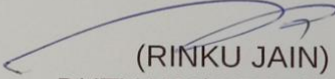

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Vijay
FIR No.013118/20
U/s 379/411/34 IPC
PS Ranhola

13.08.2020

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

Put up for consideration of bail bonds on 17.08.2020.

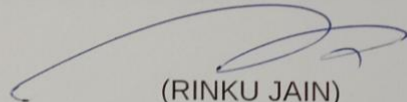

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Shekhar @ Praveen
FIR No.283/19
U/s 307/323/324/341/ 34 & 25 Arms Act
PS Patel Nagar

13.08.2020

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

Put up for consideration of bail bonds on 17.08.2020.



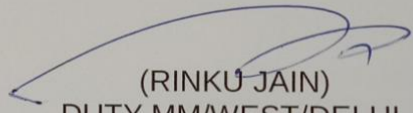
(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Shekhar @ Praveen
FIR No.283/19
U/s 307/323/324/341/34 IPC & 25 Arms Act
PS Patel Nagar

13.08.2020

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

Put up for consideration of bail bonds on 17.08.2020.

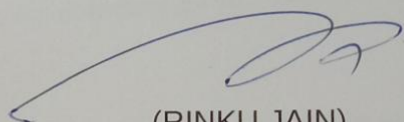

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Annu @ Kunal
FIR No.602/20
U/s 25/54/59 Arms Act
PS Punjabi Bagh

13.08.2020

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

Put up for consideration of bail bonds on 17.08.2020.



(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Rahul
FIR No.00562/20
U/s 379/411 IPC
PS Punjabi Bagh

13.08.2020

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

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 29.06.2020. 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 Rahul s/o Shamsheer 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.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

. That the applicant/accused stated that he has not applied similar bail application before any court.

FIR No.157/2020
PS Ranhola

13.08.2020

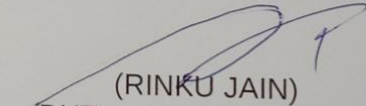
Present: Ld. APP for State.
None for applicant.

Upon telephonically calling the Id counsel for applicant, he has apprised the Reader of this Court that he is not representing any further and the case has been given by the applicant to some other Advocate.

No one has been appearing on behalf of applicant from last three dates of hearing.

It appears that applicant is not interested in pursuing the present application.

Accordingly, the present application stands disposed off as dismissed.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

FIR No.297/20
U/s 354A IPC Sec 10/12/14 Posco Act
PS Patel Nagar

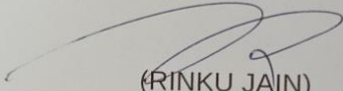
13.08.2020

Present: Ld. APP for State.

Vide order dt. 07.08.2020 bail was granted to the accused in the present case by the concerned Court / Link court of the concerned Court.

As per the report of Dy. Supdt. Tihar Jail, there is some discrepancy regarding the personal details of the accused.

In view of the same, the present application be put up before Court concerned for clarifications, if any or further orders on 14.08.2020.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

P.T.O.

FIR No.220/20
U/s 379/411/34 IPC
PS Ranjit Nagar

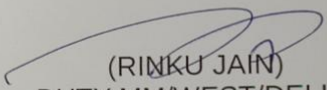
13.08.2020

Present: Ld. APP for State.
None for accused/applicant.
Surety absent.

Verification report of bail bonds not received.

IO is directed to verify the bail bonds and file the report
before NDOH positively.

Put up for filing of reports/consideration of bail bonds
on 17.08.2020.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Rajendra Pal & Ors
FIR No.82/18
U/s 417/419/420/468/471/380/354/
354B/509/120B/498A/406/34 IPC
PS Moti Nagar

13.08.2020

Present: Ld. APP for State through VC.
Ld proxy counsel Ms. Sakshi for accused/applicant.

An application u/s 41-D Cr. P.C is filed on behalf of accused/applicant seeking permission to meet his advocate during the interrogation.

It is submitted by Id proxy counsel for accused/applicant that accused has been sent to seven days police custody vide order dt. 12.08.2020.

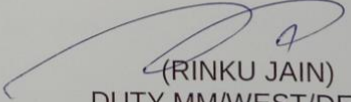
Heard. Perused.

Ld. APP for state has no objection if the present application be allowed.

In view of the submissions advanced by both the counsels, the present application is allowed and Sh. Hemant Chaudhary, Advocate be allowed to meet the accused as per rules.

At request a copy of this order be given dasti to Id. Proxy counsel for accused/applicant. A copy be also sent to SHO PS Moti Nagar for compliance.

The application stands disposed off as per above terms.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020


13/8/20-

influence and collusion with the complainant
an application for Police remand of the applicant for 7 days under
matrimonial case where the case main charge sheet has already

State Vs. Munna Singh
FIR No.401/2020
U/s 33/38 Delhi Excist Act
PS Mundka

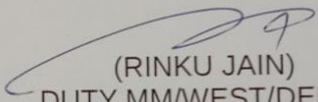
13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Anil Kumar Mishra for
accused/applicant.

Reply filed by IO. Same is taken on record.

Ld counsel for accused/applicant submits that he
wishes to withdraw the present application.

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


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

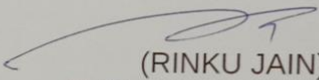
respectable and poor family and he is o
bread earner of his family.

e-FIR No.0202/2020
U/s 411 IPC
PS Tilak Nagar

13.08.2020

Present: Ld. APP for State.
IO/ HC Dhani Ram.

Fresh Charge Sheet received. It be checked and
registered.
Put up before Court concerned on 17.08.2020.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

bread earner of his family.

State Vs. Mukesh @ Mukky
e-FIR No.000082/2020
U/s 379/411 IPC
PS Moti Nagar

13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Sanjay Kumar for accused/applicant.

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 30.07.2020. Recovery has already been effected from accused. No previous involvement has been reported in the reply filed by the IO. No fruitful purpose would be served by keeping the accused in custody.

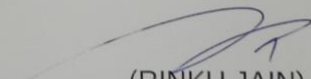
In view of the same, the application of the applicant/accused namely Mukesh @ Mukky s/o Bhagwan Das is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

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

Bail bond/ Surety bonds not filed.

At request, a copy of this order be given dasti to ld counsel for applicant/accused.

Sanjay Kumar
0246/93


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

M. 9350033214, 931221900

State Vs. Satnam Singh
FIR No.373/2020
U/s 394/34 IPC
PS Mundka

13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh.G.K. Sachdeva for accused/applicant.

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 25.07.2020. Recovery has already been effected from accused. No previous involvement has been reported in the reply filed by the IO. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Satnam Singh s/o Sh.Rajender Singh 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.

At request a copy of this order be given dasti to Id counsel for applicant/accused.

The application stands disposed off accordingly.

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

13.8.20
G.K. Sachdeva
Adv.

State Vs. Umesh
FIR No. 447/20
PS Moti Nagar
Vehicle No. DL 1SX 8958

13.08.2020

This is an application for releasing vehicle bearing no. DL 1SX 8958 on Superdari.

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

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 1SX 8958 be released to the **registered owner after due identity verification and if the IO/SO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case on furnishing security bond as per valuation report of the vehicle. IO shall check / verify the valid insurance certificate 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.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

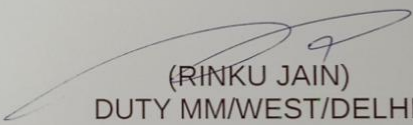
State Vs. Farhan
e-FIR No.14716/2020
U/s 379/411/382/34 IPC
PS Tilak Nagar

13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Syed Azmal Hasan for accused/applicant
through VC.

Ld counsel for accused/applicant submits that he
wishes to withdraw the present application.

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


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. DL-6S-AM-3932
FIR No. 0579/20
U/s 279/37 IPC
PS Punjabi Bagh

13.08.2020

This is an application for releasing vehicle bearing no. DL-6S-AM-3932 on Superdari.

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

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-6S-AM-3932 be released to the **registered owner / authority holder after due identity verification and if the IO/SO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case on furnishing security bond as per valuation report of the vehicle. IO shall check / verify the valid insurance certificate of 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.

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

↓
Ld. M. in Delhi
18/8/20

State Vs. Rahul @ Rinku
e-FIR No. WD-MN-000082/2020
U/s 379/411/34 IPC
PS Moti nagar
Vehicle No.

13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Sanjay Kumar for applicant.

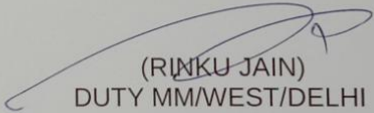
An application for bail u/s 437 Cr. P. C has been filed
on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

As per the reply filed by the IO, accused / applicant
Rahul @ Rinku was not arrested in the present case.

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


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

FIR No.602/20
PS Punjabi Bagh

13.08.2020

Present: Ld. APP for State.
Ld. LAC Sh. Vineet Malhotra for accused/applicant.

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.

As per the reply, accused has already been released
on bail vide order dt. 29.07.2020.

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

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

e-FIR No.1315/2019
PS Tilak Nagar

13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Praveen Singh for applicant
through VC.
IO in person.

Status report filed. Same is taken on record.

As per IO status report has been e-mail to Ld. Counsel for
applicant.

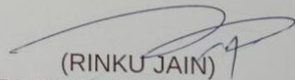
Ld. Counsel for applicant submits that the IO is not diligently
investigating the case as the account number of the applicant and amount
illegally debited has been mentioned incorrectly in the status report.

IO submits that the same is a typographical error only.

Heard. Perused.

IO is directed to diligently investigate the case as per rules
and file the charge sheet in the Court concerned as early as possible.

The present application stands disposed off with above
directions.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

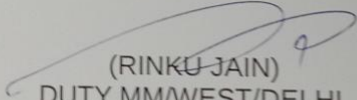
State Vs. Rajender Singh
FIR No.744/2005
U/s 279/337/304 A & 174 A IPC
PS Patel Nagar

13.08.2020

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

It is submitted by Id counsel for accused/applicant that charge sheet has already been filed in the present case. As per directions of Ld. District & Sessions Judge (West)/Delhi, the cases in which charge sheet has been filed, the applications in such cases are to be filed before concerned Court.

In view of the aforementioned, the present application be put up before the Court concerned on 14.08.2020.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

5. That the applicant/accused is a senior citizen aged about 70 years.
6. That applicant/accused is not a previous convict or a habitual offender.

State Vs. Not Known
FIR No. 447/2020
U/s 279/337 IPC
PS Moti Nagar
Vehicle No. UP-12S-8458

13.08.2020

This is an application for releasing vehicle bearing no. UP-12S-8458 on Superdari.

Present:- Ld. APP for the State.
Ld. counsel Sh. Sandeep Singh for applicant.

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. UP-12S-8458 be released to the **registered owner/attorney holder after due identity verification and if the IO/SHO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case** on furnishing security bond as per valuation report of the vehicle. **IO shall release the vehicle only after verification of valid insurance certificate of 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.

At request, a Copy of this order be given dasti to applicant.

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

Copy Recd. d. Sandeep Singh

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. unknown
FIR No. 017675/20
U/s 379 IPC
PS Tilak Nagar

13.08.2020

This is an application for releasing vehicle bearing no. DL 10 ST 3051 on Superdari.

Present:-Ld. APP for the State.

None for applicant.

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.*

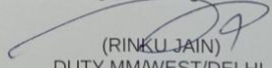
73. *If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."*

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 10 ST 3051 be released to the **registered owner after due identity verification and if the IO/SO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case** 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)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Mohd. Javed Ansari
e-FIR No. 013186/2020
U/s 379/411 IPC
PS Moti Nagar West

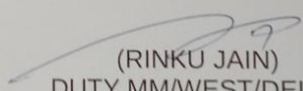
13.08.2020

Present: Ld. APP for State.
Ld. Counsel Sh. Basant Kumar Gupta for
accused/applicant.

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

Ld counsel for accused/applicant submits that he
wishes to withdraw the present application. Same is allowed.

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


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

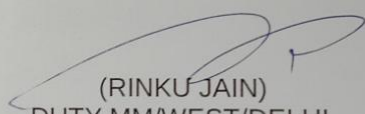
State Vs. Tajender @ Bobby
FIR No. 387/2020, 101/2020
U/s 379/356/411 IPC
PS Tilak Nagar

13.08.2020

Present: Ld. APP for State.
Ld. LAC Sh. K.K Singh for accused/applicant.

It is submitted by Ld. LAC that he wishes to withdraw the present application as the Jail Authority have not sent the complete record along with the application.

In view of submission of Ld. LAC of accused, the present application stands disposed off as withdrawn.


(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020

State Vs. Not known
FIR No. 000327/2020
u/s 379 IPC
PS Moti Nagar
Vehicle No. DL 11 SR 6852

13.08.2020

This is an application for releasing vehicle bearing no. DL 11 SR 6852 on Superdari.

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

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.*

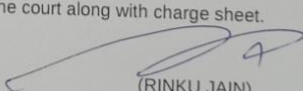
73. *If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."*

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 11 SR 6852 be released to the **registered owner after due identity verification and if the IO/SO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case** on furnishing security bond as per valuation report of the vehicle. **IO/SO shall release the vehicle only after verification of valid insurance certificate 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)
DUTY MM/WEST/DELHI
13.08.2020

this Hon'ble court.

State Vs. Himanshu
FIR No. 338/2020
U/s 380/457/411 IPC
PS Mundka
Vehicle No. DL-4S-DA-3291

13.08.2020

This is an application for releasing vehicle bearing no. DL-4S-DA-3291 on Superdari.

Present:- Ld. APP for the State,
Ld. counsel for applicant through VC.

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-4S-DA-3291 be released to the **registered owner after due identity verification and if the IO/SO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case on furnishing security bond as per valuation report of the vehicle. IO shall release the vehicle after checking the insurance certificate of 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.

(RINKU JAIN)
DUTY MM/WEST/DELHI
13.08.2020