

10.07.2020

Through Video conferencing at 11:40 am.

This is an application for releasing vehicle bearing registration number SK-04B-0054 on superdari.

Present : Ld. APP for the State.

Sh. Amit Kumar Sharma, Ld. Counsel for applicant/AR Budha Tamang joined through Cisco Webex.

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

Applicant submits that that he is authorized person to get released the govt. vehicle i.e. bus.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in Crl. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

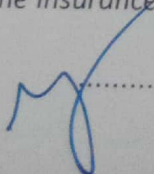
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

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

.....Contd/-


: 2 :

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number SK-04B-0054 be released to the applicant/AR by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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

(MANOJ KUMAR)

MM-06/THC/Central/10.07.2020

09.07.2020

Through Video conferencing at 11:50 am.

This is an application for releasing bullock cart on superdari.

Present : Ld. APP for the State.

Sh. Ajay Sharma, Ld. Counsel for the applicant Mohd. Hanif joined through Cisco Webex.

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

IO has filed his reply electronically. Same is taken on record wherein it has been submitted that he has no objection, if bullock cart is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in 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 : -

68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

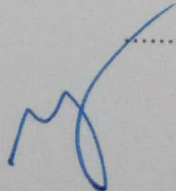
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

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

.....Contd/-


Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, bullock cart be released to the applicant by IO, on furnishing security bond as per the valuation report of bullock cart and after preparation of panchnama and taking photographs of bullock cart as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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

(MANOJ KUMAR)

MM-06/THC/Central/10.07.2020

10.07.2020

Through Video conferencing at 11:35 am.

Present : Ld. APP for the State.

Sh. Anurag Sharma, Ld. Counsel for applicant Deepak Giri joined through Cisco Webex.

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

This is an application for releasing vehicle bearing registration number UP-13BN-3922 on superdari.

Reply of IO received electronically wherein it has been mentioned that applicant/owner has not handed over the insurance certificate and same yet to be verified.

At this stage, Ld. Counsel for applicant submits that he will hand over the copy of insurance to the IO. IO is directed to file fresh report after verification of the same.

Be put up for filing report/FP on 13.07.2020.

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

(MANOJ KUMAR)

MM-06/THC/Central/10.07.2020