

21.09.2020

**Joined meeting through Video conferencing at 10:40 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Amit Tanwar, Ld. Counsel on behalf of applicant Gyanendra Pratap Singh has joined meeting through Cisco Webex.

This is an application on behalf of applicant Gyanendra Pratap Singh seeking permission to sell the vehicle bearing number UP-14BS-6930.

Perusal of case file shows that photographs of the vehicle has already been exhibited during the examination in chief of PW9 on 27.01.2020. So, application of applicant is allowed. Applicant is at liberty to dispose off his vehicle bearing registration number UP-14BS-6930 as per his convenience.

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 out of the application, reply and the order be kept for records and be tagged with the final report.

**(MANOJ KUMAR)**

MM-06/THC/Central/21.09.2020

Zahida Vs. Feroz Ahmed Khan

PS –Sadar Bazar

21.09.2020

**Joined meeting through Video conferencing at 10:05 am.**

*Fresh case received by way of assignment. It be checked and registered.*

Present : Complainant in person along-with Ld. Counsel Sh. Krishna Kumar Mishra.

Part arguments heard.

Be put up for further arguments/consideration on 16.10.2020.

One copy of order be uploaded on Delhi District Court website.

**(MANOJ KUMAR)**

MM-06/THC/Central/21.09.2020

21.09.2020

**Joined meeting through Video conferencing at 10:10 am.**

This is an application for releasing vehicle bearing registration number UP-15DF-8969 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Saurav Dang, Ld. Counsel for the applicant Raj Kumar has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. 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 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/-

: 2 :

Considering the facts and circumstances and law laid down by ***Hon'ble High Court of Delhi***, vehicle in question bearing registration number UP-15DF-8969 be released to the applicant 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/21.09.2020

21.09.2020

This is an application for releasing vehicle bearing registration number DL-6SN-1523 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Applicant Mohd. Wasique Quershi has not meeting despite intimation.

IO has filed his reply. Copy of same supplied to applicant electronically. 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 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/-

: 2 :

Considering the facts and circumstances and law laid down by ***Hon'ble High Court of Delhi***, vehicle in question bearing registration number DL-6SN-1523 be released to the applicant 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/21.09.2020

Vijay Rani Vs. Rakesh & Ors.

PS –Sadar Bazar

21.09.2020

**Joined meeting through Video conferencing at 10:15 am.**

*Fresh case received by way of assignment. It be checked and registered.*

Present : Complainant in person along-with Ld. Counsel Sh. Kunal Parsad.

Heard.

Let, notice be issued to SHO to file report on 14.10.2020.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar.

**(MANOJ KUMAR)**

MM-06/THC/Central/21.09.2020

21.09.2020

**Joined meeting through Video conferencing from 10:20 to 10:30 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

MHC(M) HC Dharambir has joined meeting through Cisco Webex.

None for the claimant.

Vide this common order, I am disposing off the applications for disposal of case property.

As per the application, case has already been disposed off.

Accordingly, case property in question be deposited to District Nazir.

Proceedings be handed over to concerned MHC(M).

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

**(MANOJ KUMAR)**

MM-06/THC/Central/21.09.2020



21.09.2020

*Application received from Duty MM.*

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

None has joined meeting through Cisco Webex.

This is an application under Section 437 Cr. P.C. on behalf of applicant/accused Sharukh.

Reply of IO has been received.

Be put up for consideration on 22.09.2020.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar.

**(MANOJ KUMAR)**  
MM-06/THC/Central/21.09.2020