

02.09.2020

Joined through Video conferencing at 10:20 am.

This is an application for releasing vehicle bearing registration number DL-9CAP-6847 on superdari.

Present : Ld. APP for the State.

Sh. Chanderkant Tyagi, Ld. Counsel for the applicant Pawan Tyagi has joined through Cisco Webex.

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 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**, vehicle in question bearing registration number DL-9CAP-6847 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/02.09.2020

02.09.2020

Joined through Video conferencing at 10:25 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Chanderkant Tyagi, Ld. Counsel for the applicant Pawan Tyagi has joined through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

I have considered the submissions made in the application.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

Application stands disposed off accordingly. 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/02.09.2020

02.09.2020

Joined through Video conferencing at 10:50 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Satish Kumar, Ld. LAC on behalf of applicant/accused Rickey has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 25.08.2020. Ld. LAC argued that recovery of Rs.2,000/- has already been effected. He further argued that applicant/accused works as a loader of commercial trucks and not found involved in any other case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that on 23.08.2020, when complainant was cleaning his Tempo, then two persons came there and one person caught his neck and other person looted a sum of Rs.10,000/- from the right side pocket of his Pajama and ran away. On 25.08.2020, the applicant/accused was arrested and Rs.2,000/- got recovered. The applicant/accused is not found involved in any other case.

Heard. Perused.

The FIR got registered under Section 392 IPC. Section 392 IPC entails imprisonment upto 10 years. There is specific allegations against the applicant/accused. The applicant/accused has been arrested at the instance of complainant himself and Rs.2,000/- got recovered from his possession. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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/02.09.2020

02.09.2020

Joined through Video conferencing at 10:45 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Satish Kumar, Ld. LAC on behalf of applicant/accused Adil has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 26.08.2020. Ld. LAC argued that one country made pistol and two live cartridges were implanted upon the applicant/accused.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that while night patrolling, Ct. Anil and Ct. Manjit recovered one country made pistol and two live cartridges from the possession of applicant/accused and he found involved in several other cases.

Heard. Perused.

Considering that applicant/accused is a habitual offender and involved in two similar other cases of PS Hauz Qazi, so at this stage, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

Application stands disposed off accordingly. 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/02.09.2020

02.09.2020

Joined through Video conferencing at 10:40 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Satish Kumar, Ld. LAC on behalf of applicant/accused Vikas has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC. Ld. LAC argued that applicant/accused is not involved in any other case. He further argued that applicant/accused has already been arrested in connected FIR bearing no.206/20, PS Kashmiri Gate. Therefore, he should be granted bail in this matter.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that applicant/accused has been arrested under Section 103 D.P. Act as two mobile phones got recovered from him and he has already been formally arrested in FIR No.206/20 in connection of recovery of one mobile phone.

Heard. Perused.

The applicant/accused has been arrested in the present case under Section 103 D.P. Act only and on the basis of recovery, he has already been arrested in FIR No.206/20 under Section 379 IPC PS Kashmiri Gate. Thus, applicant/accused is released from the present kalandra subject to furnishing of personal bond in the sum of Rs.10,000/- to the satisfaction of jail superintendent.

IO is directed to file kalandra before the Court for disposal of the same.

Application stands disposed off accordingly. 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/02.09.2020

02.09.2020

Joined through Video conferencing at 10:30 am.

This is an application for releasing of RC, DL and vehicle bearing registration number UP-17AT-3659 on superdari.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Nazir Aziz, Ld. Counsel on behalf of applicant Abbash has joined through Cisco Webex.

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 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*, vehicle in question bearing registration number UP-17AT-3659 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.

Application qua release of RC and driving license is dismissed as only photocopy of documents seized by IO.

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.

Application stands disposed off accordingly. 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/02.09.2020

FIR No. 475/15, 527/15, 3040/15, 598/15,
284/15, 298/15, 411/15, 421/15, 464/15

PS – Sadar Bazar

02.09.2020

Joined through Video conferencing from 10:00 to 10:10 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) HC D.P. Yadav has joined through Cisco Webex.

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

As per the applications, cases have already been disposed off.

Applications stands disposed off.

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

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 applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/02.09.2020

02.09.2020

Joined through Video conferencing at 10:15 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) HC D.P. Yadav has joined through Cisco Webex.

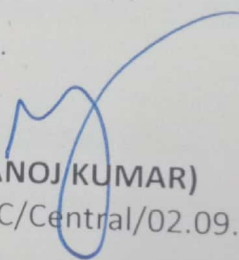
MHC(M) has filed applications electrically for disposal of case property.

Perusal of the applications shows that FIR in the present got registered under Section 451/354/354B/506/34 IPC. Thus, this court has no jurisdiction to entertain the present applications as same falls within the jurisdiction of Mahila Court.

At this stage, MHC(M) submits that he wants to withdraw the present applications. Heard.

In view of the same, present application stands allowed to be withdrawn.

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


(MANOJ KUMAR)
MM-06/THC/Central/02.09.2020

02.09.2020

Joined through Video conferencing at 10:35 am.

This is an application for release of RC, permit, insurance and fitness of vehicle superdari.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Dinesh Tiwari, husband of owner Ms. Sushma Tiwari has joined through Cisco Webex.

This is an application for release of RC, permit, insurance and fitness of vehicle superdari.

Heard.

Application is considered and allowed subject to furnishing of superdarinama in the sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the satisfaction of the IO and further subject to the condition that owner shall produce the same before the Court as and when directed to do so.

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

Application stands disposed off accordingly. 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/02.09.2020