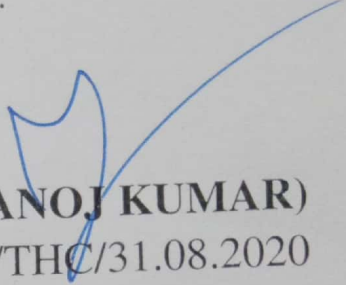


Mohd. Zain Vs. Wahid Raza
CC No.531990/16
PS – Sadar Bazar

31.08.2020

Present : Ld. Counsel on behalf of complainant.
Ld. Counsel for complainant seeks time to argue in this matter.
At request, put up for purpose already fixed for 30.09.2020.
Copy of order be uploaded on CIS.


(**MANOJ KUMAR**)
MM-06(C)/THC/31.08.2020

Muthoot Finance Ltd. Vs. Atul Manchanda & Ors.

CC No.2139/19

PS – Sadar Bazar

31.08.2020

Present : None.

None has joined meeting through webex.

Be put up for purpose already fixed/FP on 30.09.2020. One copy of order be uploaded on CIS.


(**MANOJ KUMAR**)

MM-06(C)/THC/31.08.2020

31.08.2020

This is an application for releasing article i.e mobile phone.

Present : Ld. APP for the State.
Applicant Vinod Kumar in person.
IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. 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(C)/THC/31.08.2020

31.08.2020

Present : Ld. APP for the State.

Girl Mahima produced by PSI Vandana.

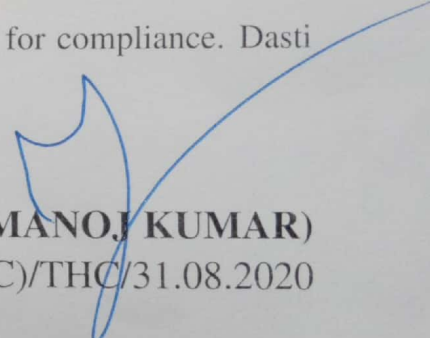
IO has moved an application for sending the girl to Nari Niketan Shelter Home, Hari Nagar, Delhi.

IO submits that girl is a minor and she has no place to live. She also has a daughter of around four months.

I have personally inquired from the girl. She submits that she does not want to live with her parents and she wants to live with her husband namely Anil.

Under these circumstances, let girl along-with her daughter be sent to Nari Niketan Shelter Home for the time being. Meanwhile, IO is directed to verify the age of the girl.

Let, girl be produced before concerned Court of PS Rajender Nagar on 03.09.2020. Copy of this order be sent to Nari Niketan Shelter Home for compliance. Dasti copy of the order be given to IO as prayed for.


(MANOJ KUMAR)
Duty MM(C)/THC/31.08.2020

31.08.2020

Present : Ld. APP for the State.

Sh. Nikhil Yadav, Ld. LAC for the applicant/accused Akash.

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 and he is in JC since 13.07.2020. Ld. LAC argued that recovery has already been effected. Therefore, he should be granted bail in this matter.

Reply of IO has been filed wherein it has been submitted that case property/scooty got recovered from the possession of applicant/accused and applicant/accused found involved in similar other case. Therefore, he should not be granted bail in this matter.

Submissions of both sides heard.

Considering that recovery has already been effected, so no purpose would be served by keeping accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.20,000/- each and subject to the following conditions : -

1. that accused person(s) shall attend the Court as per conditions of bond to be executed,
2. that accused person(s) shall not commit similar offence and ;
3. that accused person(s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

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

Application stands disposed off accordingly.

(MANOJ KUMAR)

~~Date~~ MM(C)/THC/31.08.2020

31.08.2020

Present : Ld. APP for the State.

IO/SI Khadak Singh in person.

IO has moved an application for conducting potency test of accused.

Heard. Application is allowed.

Under these circumstances, concerned jail superintendent is directed to produce the accused at RML hospital on **02.09.2020 at 10:00 am** for conducting potency test of accused.

The application is disposed off accordingly. Copy of this order be sent to RML hospital. Dasti copy of the order be given to IO as prayed for.

(MANOJ KUMAR)

Duty MM(C)/THC/31.08.2020

31.08.2020

This is an application for releasing article i.e mobile phone.

Present : Ld. APP for the State.

Applicant Ravinder has not joined meeting despite intimation.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

“59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. 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 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(C)/THC/31.08.2020

31.08.2020

Through Video conferencing at 04:00 pm.

Present : Ld. APP for the State.

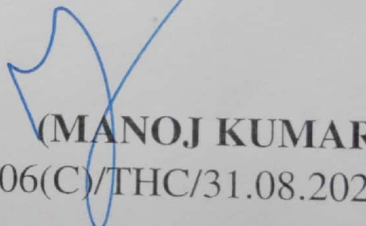
Sh. Suraj Prakash, Ld. Counsel for the applicant/accused Sachin has joined meeting through Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused.

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

Part arguments heard.

At request, be put up for further arguments/FP on 01.09.2020. One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines.


(MANOJ KUMAR)
MM-06(C)/THC/31.08.2020

31.08.2020

Present : Ld. APP for the State.

IO/Insp. Pawan in person.

IO has moved an application for issuance of process under Section 82 Cr. P.C. against the accused Sagar @ Tanu.

Report of NBW and CD perused. Perusal of the same shows that accused is deliberately avoiding to join the investigation and concealing himself.

Under these circumstances, **issue process** under Section 82 of Cr. P.C. against the accused, to be executed through IO concerned, returnable to this Court on NDOH. Statutory time of 30 days be given to the accused to appear before the court. Publication be made in leading national newspaper(s).

Put up the matter for report on process under section 82 Cr. P.C. on 02.11.2020. Dasti copy of the order be given to IO as prayed for.



(MANOJ KUMAR)

Duty MM(C)/THC/31.08.2020

Metropolitan Magistrate-06

केन्द्रीय जिला

Central District,

तीस हजारी न्यायालय, दिल्ली

Tis Hazari Courts, Delhi

31.08.2020

Present : Ld. APP for the State.

Sh. Sukhbir Singh Rawat, AR of Peejay Fianance Company Ltd. Along-with Ld. Counsel Sh. V.B. Sharma.

Report on behalf of TI along-with copy of challan filed on 30.08.2020. The AR of the company submits that his company has repossessed the vehicle bearing registration number UP-75AT-3109. So, he requested that the challan may be disposed off.

At this stage, AR of the company submits that he wants to plead guilty for the offence punishable under Section 66(1)/192A M.V. Act and 39/192 M.V. Act on behalf of driver and owner of the vehicle. I have explained consequences of plea of guilt. Yet, the accused reiterates his plea of guilt.

Plea of guilt of the AR of the company is accepted as this Court is satisfied that the same has been made by him voluntarily and after understanding the ingredients of the offence. Accordingly, AR of the company **stands convicted** on behalf of driver and owner for the said offence punishable under Section 66(1)/192A M.V. Act and 39/192 M.V. Act.

ORDER ON SENTENCE

Ld. APP for the State submits that convict be sentenced as per law.

On the other hand, AR prays for a lenient view.

I have heard both the parties on the point of sentence.

In the totality of circumstances, AR of the company is sentenced to pay fine of Rs.1,000/- under Section 66(1)/192A M.V. Act and 39/192 M.V. Act on behalf of driver. He is admonished on behalf of owner. Fine paid.

Original documents of AR, driver and owner of the vehicle if any, be released to them after cancellation of endorsement, if any as per rules. A copy of the order be supplied to the AR free of costs.

Challan be consigned to record room after due compliance.

Announced in the open Court
on August 31, 2020.

(MANOJ KUMAR)
Duty MM(C)/THC/31.08.2020