

09.07.2020

Through Video conferencing at 11:20 am.

This is an application for releasing bullock cart on superdari.

Present : Ld. APP for the State.

Sh. Anil, Ld. Counsel for the applicant Lala Ram 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."

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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/09.07.2020

09.07.2020

Joined through Video conferencing from 11:30 am to 11:50 am.

Present : Ld. APP for the State.

Sh. R.P. Singh, Ld. Counsel for the applicant/accused Sonu @ Naresh joined through Cisco Webex.

IO/ASI Bindeshwari Prasad joined through Cisco Webex.

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

IO moved an application electronically for cancellation of bail of accused Sonu @ Naresh.

Heard.

Perusal of the application of IO shows that he has not filed copy of order dated 26.03.2020 of this Court. He failed to apprise the Court as to whether accused was sent to JC in e-FIR No.41982/19 dated 28.11.2019 U/s. 379/411/34 IPC PS Kashmeri Gate and FIR No.249/20 dated 22.05.2020 u/s. 356/379/34 IPC PS Civil Lines or not.

At this stage, IO seeks time to file appropriate application along-with relevant documents. So, he requests that his application may be dismissed as withdrawn.

In view of the same, application of IO stands dismissed as 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 Civil Lines. The printout of the application and the order be kept for records and be tagged with the final report.


(MANOJ KUMAR)

MM-06/THC/Central/09.07.2020

09.07.2020

Through Video conferencing at 11:15 am.

This is an application for releasing vehicle bearing registration number DL-2SR-1985 on superdari.

Present : Ld. APP for the State.

Sh. Uttam Kumar Poddar, Ld. Counsel for applicant Manish joined through Cisco Webex.

Sh. Mayank Aggarwal, Trainee Judge also 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.

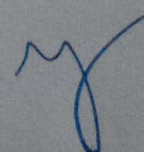
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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-2SR-1985 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/09.07.2020

09.07.2020

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

Present : Ld. APP for the State.

Applicant Qamrul Huda not joined meeting despite intimation.

IO has filed his reply electronically.

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

(Manoj Kumar)

MM-06/Central/09.07.2020

09.07.2020

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 23.07.2020.

(Mandj Kumar)

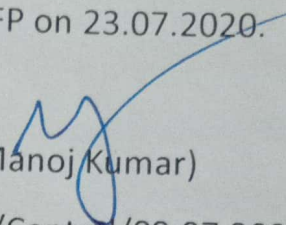
MM-06/Central/09.07.2020

09.07.2020

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 23.07.2020.


(Manoj Kumar)

MM-06/Central/09.07.2020