

FIR no.192/20
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

Sh. Dinesh Rohilla, Ld. counsel for complainant.

Accused is stated to be in JC but not produced.

It is informed by Reader/ Naib Court that UTPs are not being produced on account of COVID-19 outbreak and they are being remanded from jail itself.

Heard. Perused. I take cognizance of the offence(s).

Issue notice to Jail Superintendent concerned for production of accused through VC on next date.

Be put up on 15.10.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

Case No. 7931/19
FIR no.384/19
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

Previous order be complied afresh for 14.10.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

Case No. 6695/18
FIR no.671/17
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused persons.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

Previous order be complied afresh for 17.10.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

Case No. 4973/17
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for complainant.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

Be put up for purpose fixed ie. PSE on 22.04.2021.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

03.09.2020

Hearing through VC

This is an application for releasing vehicle No. DL-2FHX-0025 on superdari received on the official E-mail ID of the court.

Present:- Ld. APP for the State.

Reader, Ahlmad, Naib Court and both the stenographers.

All the above joined through Video Conferencing.

Sh. Manav Narula, proxy counsel on behalf of main counsel for applicant.

Report has been filed on behalf of IO. Same be taken on record. Heard. Perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

"1. 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.

2. 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.

3. 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.

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

5. 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.

6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-2FHX-0025** in question be released to the rightful/registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

03.09.2020

Hearing through VC

This is an application for releasing article i.e., mobile phone make Samsung Galaxy ON-6 on superdari received on the official E-mail ID of the court.

Present:- Ld. APP for the State.

Reader, Ahlmad, Naib Court and both the stenographers.

Applicant Rajiv Kumar present.

All the above joined through Video Conferencing.

IO has filed his reply. Taken on record.

Instead of releasing the articles on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

"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 higher courts, articles in question i.e. **mobile phone make Samsung Galaxy ON-6** as per seizure memo be released to the **rightful owner** on furnishing security bond as per valuation report of the mobile phone in question. IO is directed to get the valuation done of the articles prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

**FIR no.750/20
PS RG
U/s 186/332/353 IPC
St Vs. Deepak**

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

IO SI Prakash, Reader, Ahlmad, Naib Court and both the stenographers.

Sh. Sumit Gaba, Ld. counsel for accused Deepak.

All the above joined through Video Conferencing.

This is an application for bail filed on behalf of the accused.

Heard. File perused. Accused is stated to be in JC since 24.08.2020. On enquiry, it is submitted by IO that injuries suffered by the complainant/injured ASI Dharambir is simple in nature. It is further stated by IO that there is no previous involvement of accused and he is not required for further investigation as the investigation qua him has already been completed. No fruitful purpose shall be served by keeping the accused behind the bars. Considering the facts and circumstances of case, accused is admitted to bail on his furnishing personal bond in the sum of Rs. 30,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law.

Bail application disposed of accordingly.

Copy of the order be given *dasti* to Ld. Counsel for accused as prayed for.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

**FIR No. 025067/19
PS RG**

Hearing through VC

03.09.2020

Statement of complainant/owner of the stolen property Smt. Neelam w/o Sh. Raj Kumar, R/o H. No. J-7/25, First Floor, Rajouri Garden, New Delhi.

On S.A

I am the complainant in the present case. I have compromised the offence u/s 411/34 IPC with both the accused persons namely Kala Arif and Nafees without any compensation. I do not want to pursue further against the accused persons. My case may kindly be allowed to be compounded and disposed of as settled. I am making statement voluntarily and without any fear, force or misrepresentation.

RO & AC

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused persons.

Complainant Neelam with IO HC Dashrath.

Reader, Ahlmad, Naib Court and both the stenographers.

All the above joined through Video Conferencing.

At this stage, complainant submits that she is willing to compromise the matter without any compensation.

In view of the submissions the statement of complainant is recorded separately. Complainant has been identified by the IO.

Let the digital copy of the statement recorded through VC be sent to the complainant through IO.

IO is directed to get the statement signed from the complainant, verify the signature and submit its physical copy in the court with the Ahlmad/Reader on or before 10.09.2020.

The matter shall be allowed to be compounded/disposed off only after receiving the signed statement of complainant qua the settlement.

Be put up for afore-mentioned purpose/further proceedings on 10.09.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

FIR No. 009031/19
PS RG

Hearing through VC

03.09.2020

Statement of complainant/owner of the stolen property Usha Rani D/o Sh. Shyam Lal, R/o H. No. 60/34, Ashok Nagar near Tilak Nagar, New Delhi.

On S.A

I am the complainant in the present case. I have compromised the offence u/s 411/34 IPC with both the accused persons namely Aarif and Sumit without any compensation. I do not want to pursue further against the accused persons. My case may kindly be allowed to be compounded and disposed of as settled. I am making statement voluntarily and without any fear, force or misrepresentation.

RO & AC

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

FIR no.009031/19
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused persons.

Complainant Usha Rani with IO HC Dashrath.

Reader, Ahlmad, Naib Court and both the stenographers.

All the above joined through Video Conferencing.

At this stage, complainant submits that she is willing to compromise the matter without any compensation.

In view of the submissions the statement of complainant is recorded separately. Complainant has been identified by the IO.

Let the digital copy of the statement recorded through VC be sent to the complainant through IO.

IO is directed to get the statement signed from the complainant, verify the signature and submit its physical copy in the court with the Ahlmad/Reader on or before 10.09.2020.

The matter shall be allowed to be compounded/disposed off only after receiving the signed statement of complainant qua the settlement.

Be put up for afore-mentioned purpose/further proceedings on 10.09.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

FIR no.040273/19
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused.

None for complainant.

HC Dashrath, Reader, Ahlmad, Naib Court and both the stenographers.

All the above joined through Video Conferencing.

IO seeks one more opportunity for compliance of last order.

Heard. In the interest of justice, one opportunity is given. Previous order be complied afresh for next date.

Be put up on 11.09.2020 through VC.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020

FIR no.010585/19
PS RG

03.09.2020

Hearing through VC

Present : Ld. APP for the State.

None for accused persons.

None for complainant.

HC Dashrath, Reader, Ahlmad, Naib Court and both the stenographers.

All the above joined through Video Conferencing.

IO seeks one more opportunity for compliance of last order.

Heard. In the interest of justice, one opportunity is given.

Previous order be complied afresh for next date.

Be put up on 11.09.2020 through VC.

(Deepak Kumar-I)
MM (West)/THC/Delhi
03.09.2020