

27.10.2020

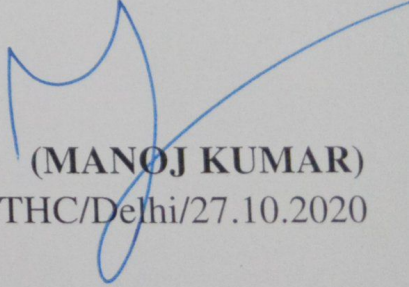
Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Present : Ld. APP for the State
IO/HC Mithun Kumar in person.

IO has moved an application for seeking permission to interrogate and formal arrest of accused Sahjad S/o Sh. Allah Bande in Meerut Jail. He has submitted that he could not appear on 26.10.2020 as accused Sahzad S/o Sh. Allah Bande not produced from Meerut Jail.

In the application, it is stated that the accused is running in JC in other case. IO has stated that he wants to interrogate the aforesaid accused and proceed further with investigation. From the documents involvement of accused is shown. Hence, IO is at liberty to interrogate the accused in Jail. The Jail Superintendent will permit the IO to interrogate the accused and proceed further with investigation as per rules. Accordingly, application stands disposed off.

Copy of this order be given dasti to the IO.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Present : Ld. APP for the State
IO/ASI Chander Shekhar in person.

IO has moved an application for taking the original file. He has submitted that he has already filed untrace report in the present case. However, the alleged person Rohit and Neeshu disclosed in case e-FIR No.27/20 regarding their involvement in the present case. Both accused persons have been arrested and sent to JC.

Heard.

Under these circumstances, let the untrace report be handed over to the IO against proper acknowledgment. Application stands disposed off accordingly.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

e-FIR No. 024014/20
PS – Sadar Bazar

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

This is an application for releasing vehicle bearing registration number DL-6SAW-1704 on superdari.

Present : Ld. APP for the State.

Applicant Sonu in person.

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.

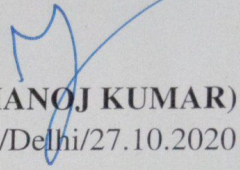
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-

: 2 :

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-6SAW-1704 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.

Dasti copy of order be given to the concerned Naib Court. Copy of order be uploaded on Delhi District Court website.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/27.10.2020

DD No.112A dated 15.09.2020
PS – Sadar Bazar

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Fresh kalandra under Section 182 IPC filed. It be checked and registered.

Present : Ld. APP for the State

Accused Md. Raza Abbas in person.

Kalandra under Section 182 IPC perused. I take cognizable of offence. Copy of kalandra and documents supplied to accused.

At this stage, accused submits that he wants to plead guilty in kalandra under Section 182 IPC. I have explained consequences of plea of guilt. Yet, the accused reiterates his plea of guilt. Statement of the accused in this regard recorded separately to which he pleaded guilty.

Plea of guilt of the accused is accepted as this Court is satisfied that the same has been made by the accused voluntarily and after understanding the ingredients of the offence. Accordingly, accused **stands convicted** in kalandra under Section 182 IPC.

ORDER ON SENTENCE

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

On the other hand, convict person prays for a lenient view stating that he is a poor person and he is a bread earner of his family.

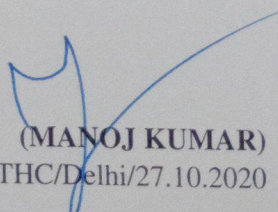
I have heard both the parties on the point of sentence.

In the totality of circumstances, convict is admonished in kalandra under Section 182 IPC.

Bail bonds are cancelled and surety, if any is discharged. Supardarinama, if any stands canceled. Original documents of accused be released to him against acknowledgment. Original documents of surety, if any, be returned to him after cancellation of endorsement. A copy of this order be supplied to the convict free of costs. SHO/MHC(M) is directed to release the scooty bearing registration number DL-6SAH-2716 to the accused.

File be consigned to record room after due compliance.

Announced in the open Court
on October 27, 2020.


(MANOJ KUMAR)
MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Fresh kalandra under Section 182 IPC filed. It be checked and registered.

Present : Ld. APP for the State

Accused Dinesh Gupta in person.

Kalandra under Section 182 IPC perused. I take cognizable of offence. Copy of kalandra and documents supplied to accused.

At this stage, accused submits that he wants to plead guilty in kalandra under Section 182 IPC. I have explained consequences of plea of guilt. Yet, the accused reiterates his plea of guilt. Statement of the accused in this regard recorded separately to which he pleaded guilty.

Plea of guilt of the accused is accepted as this Court is satisfied that the same has been made by the accused voluntarily and after understanding the ingredients of the offence. Accordingly, accused **stands convicted** in kalandra under Section 182 IPC.

ORDER ON SENTENCE

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

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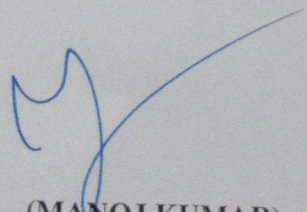
I have heard both the parties on the point of sentence.

In the totality of circumstances, convict is admonished in kalandra under Section 182 IPC.

Bail bonds are cancelled and surety, if any is discharged. Supardarinama, if any stands canceled. Original documents of accused be released to him against acknowledgment. Original documents of surety, if any, be returned to him after cancellation of endorsement. A copy of this order be supplied to the convict free of costs. SHO/MHC(M) is directed to release the scooty bearing registration number DL-8SCF-0116 to the accused.

File be consigned to record room after due compliance.

Announced in the open Court
on October 27, 2020.



(MANOJ KUMAR)
MM-06(C)/THC/Delhi/27.10.2020

FIR No. 234/16, 244/16, 18/17, 79/17, 82/17, 95/17,
96/17, 99/17, 109/17, 142/17, 150/17, 161/17, 165/17,
180/17, 183/17, 205/17, 237/17, 279/17, 301/17,
323/17, 22/18, 28/18, 117/18, 4/18, 195/18
PS – Sadar Bazar

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Present : Ld. APP for the State.

MHC(M) is present.

None for the claimant.

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

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

Applications stand disposed off accordingly.

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

Proceedings be handed over to concerned MHC(M).

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/27.10.2020

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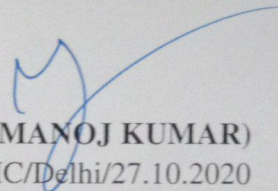
Present : Ld. APP for the State

HC Pradeep on behalf of process server HC Harpal.

This is an application for declaring the accused as PO.

Present HC Pradeep submits that process server HC Harpal cannot appear today.

On request, put up for further proceedings on 03.11.2020.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

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Present : Ld. APP for the State.

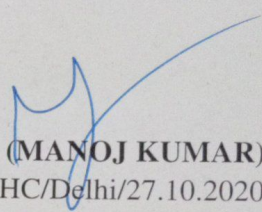
Sh. P.K. Garg, Ld. Counsel for applicant/accused Tanish @ Kalu.

This is an application under Section 437 Cr. P.C. for grant of bail.

Reply to the said application filed by the IO electronically. Copy of same supplied to Ld. Counsel.

At this stage, Ld. Counsel for applicant/accused submits that he wants to withdraw the present application.

In view of the same, present application stands allowed to be withdrawn. Dasti copy of order be given as prayed for.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Present : Ld. APP for the State

IO/ASI Sayeed Akhtar in person.

Sh. A.K. Mishra, Ld. Counsel for accused Rahul and Rohit.

An application has been moved by IO. Perusal of the same shows that accused Rahul and Rohit have been declared major by Ld. Principal Magistrate vide order dated 20.10.2020.

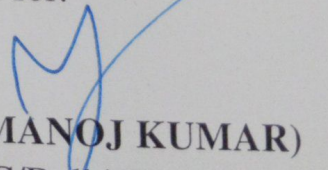
Heard. Perused.

Considering that both accused persons remained in observation home and they are also not found involved in any other case, so no purpose would be served by sending the accused persons behind bars. Therefore, both accused persons are admitted to bail subject to furnishing of Personal Bond and Surety Bond in the sum of Rs.10,000/- each.

Bail bond and surety bond furnished. Same are considered and accepted.

Both accused persons be released, if not required in any other case.

Dasti copy of order be given to IO and Ld. Counsel as prayed for.


(MANOJ KUMAR)
MM-06(C)/THC/Delhi/27.10.2020

27.10.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.09.2020.

Present : Ld. APP for the State.

None for accused persons.

Arguments on charge have already been heard.

The case of the prosecution in nutshell is that on 16.01.2016, when complainant Julfikar was returning home, then at that time, a marriage procession was going on and in that marriage procession, one person has pushed the complainant and complainant fell down. During that time, the alleged persons came at the spot and stopped the complainant and started beating him. The complainant suffered grievous injuries.

Case file perused.

Perusal of the statement of the complainant and documents i.e. MLC shows that complainant suffered grievous injuries. There is prima-facie allegations against accused persons for commission of offence under Section 325/341/34 IPC. Both accused persons in furtherance of their common intention stopped the complainant and gave beating to him and due to said beating, he suffered grievous injuries. Thus, this Court is satisfied that there is prima-facie case against the accused persons for offence punishable under Section 325/341/34 IPC.

Put up the matter for framing of charge under Section 325/341/34 IPC/further proceedings on 30.01.2021.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/27.10.2020