

10.06.2020

Present : Ld. APP for the State.

None.

Report of Dy. Superintendent, Central Jail no.8/9 already on record. Perusal of the report shows that accused Neeraj Kumar S/o Sh. Shiv Poojan Rai was admitted in jail on 15.12.2019 in FIR No.97/19 under Section 379/411/34 IPC PS NDRS and FIR No.364/19 under section 380 IPC PS GRP Cantt. Varanasi, UP. It is also mentioned that accused was sent for production on 15.01.2020 in case FIR No.364/19 for production on 16.01.2020. Thereafter, he was admitted in district jail, Varanasi by order of Ld. ACJM, North Railway, Varanasi, UP on 16.01.2020 and thereafter, he has not been readmitted in the jail. Report of the Varanasi jail shows that accused is lying in JC in FIR No.97/19 PS NDRS since 16.01.2020.

Let, copy of both the reports be given to Ld. Counsel for applicant as and when he appears.

Let, concerned Ahlmad is directed to produce the file/bail bond and surety bond on 12.06.2020.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

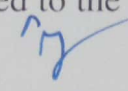
FIR No. 319/18

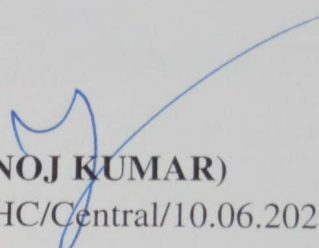
PS – Kotwali

10.06.2020

Present : Ld. APP for the State.

None.

Let, the bail order be sent to the concerned Court/handed ^{over} to the Ahlmad of the
concerned Court. 


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 319/18

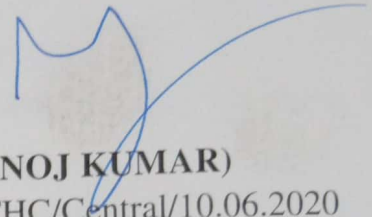
PS – Kotwali

10.06.2020

Present : Ld. APP for the State.

None.

Let, the bail order be sent to the concerned Court/handed to the Ahlmad of the concerned Court.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 140/18

PS – DBG Road

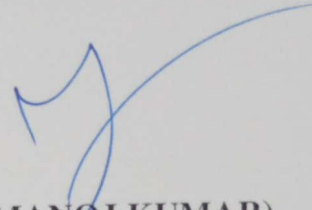
10.06.2020

Present : Ld. APP for the State.

None.

Report of Jail Superintendent is already on record. Let, copy of same be supplied to the applicant/Ld. Counsel as and when they appear.

Application stands disposed off accordingly.

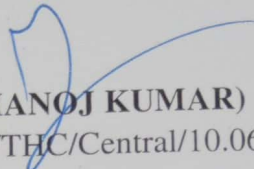


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

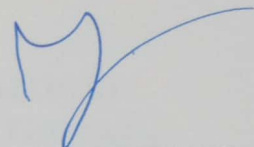
10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

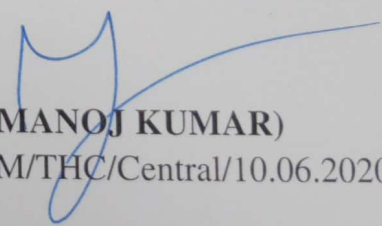
10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

At 04:00 pm

Present : Ld. APP for the State.
None.
None appeared on behalf of applicant for the last several dates.
So, application is dismissed.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

FIR No. 043/20

PS – Wazirabad

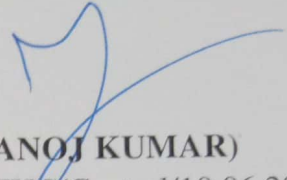
10.06.2020

10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.



(MANOJ KUMAR)

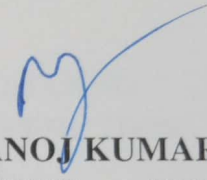
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

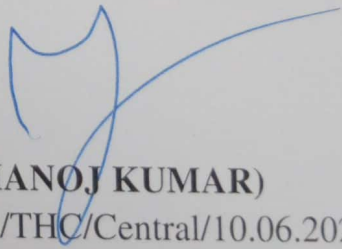
At 04:00 pm

Present : Ld. APP for the State.

None.

On LDOH also, none appeared on behalf of applicant.

So, application is dismissed.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

Lalit Vs. State of Delhi

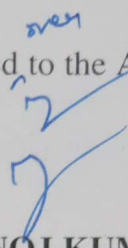
PS – Subzi Mandi Railway Station

10.06.2020

Present : Ld. APP for the State.

None.

Let, the bail order be sent to the concerned Court/handed ^{over} to the ~~Adm~~ ⁱⁿcharge of the concerned Court.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

Rajeev Jain @ Anurag Vs. State

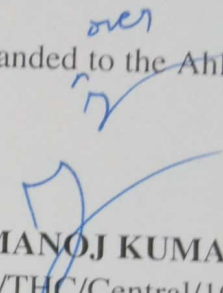
PS - Nabi Karim

10.06.2020

Present : Ld. APP for the State.

None.

Let, the bail order be sent to the concerned Court/handed to the Ahlmad of the concerned Court.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 30998

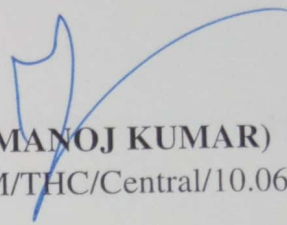
PS – Wazirabad

10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.


(MANOJ KUMAR)

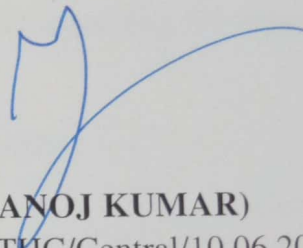
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

At 04:00 pm

Present : Ld. APP for the State.

None.

On LDOH also, none appeared on behalf of applicant for the last several dates.

So, application is dismissed.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 127/17

PS – DBG Road

10.06.2020

Present : Ld. APP for the State.

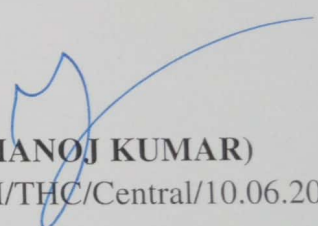
None.

A letter received from Jail Superintendent regarding providing status of accused Pradeep Popli S/o Sh. Om Prakash in FIR No.127/17 PS DBG Road.

Let, notice be issued to Ahlmad of concerned Court for appearance for NDOH.

Let, notice be issued to IO with direction to file report regarding the status of accused on NDOH.

Put up for filing report/further proceedings on 12.06.2020.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 35/20

PS – Kamla Market

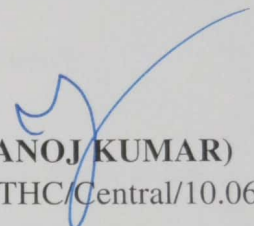
10.06.2020

Present : Ld. APP for the State.

None.

Perusal of the case file shows that accused has already been granted bail vide order dated 12.05.2020. However, bail bond and surety bond not furnished.

Under these circumstances, miscellaneous papers be handed over to the Ahlmad of concerned Court.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-7SCF-4037 on superdari.

Present : Ld. Substitute APP for the State.

AR Mohd. Arif in person.

Owner of the vehicle is Babloo Yadav.

This is an application for releasing vehicle bearing registration number DL-7SCF-4037 on superdari. Applicant submits that he is the authorized person to get released the vehicle on behalf of registered owner. Copy of authorization letter filed on record.

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.

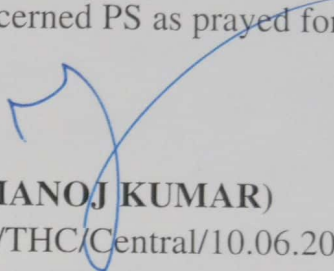
71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

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."

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-7SCF-4037 be released to the AR by IO on furnishing security bond as per the valuation report of vehicle, authorization letter and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High of Delhi* in above cited paragraphs, if vehicle is insured. Panchnama, authorization letter, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given to the MHC(M) of concerned PS as prayed for.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-8CY-9212 on superdari.

Present : Ld. APP for the State.

Applicant Narendra Singh Chauhan is absent.

Ld. Counsel for applicant.

IO/SI Amrish Puri 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.

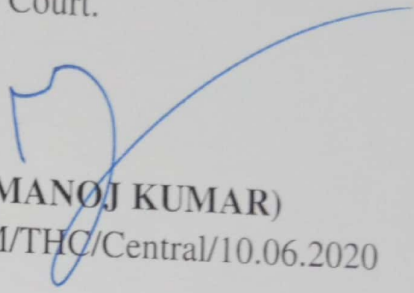
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....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-8CY-9212 be released to applicant by IO, on furnishing security bond as per the valuation report of vehicle and 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 and security bond shall be filed along-with final report.

Dasti copy of order be given to the concerned Naib Court.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-8SBZ-1700 on superdari.

Present : Ld. APP for the State.

Applicant Praveen Singh 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-8SBZ-1700 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.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

Abhey Bansal Vs. Priyanka Mehta & Ors.

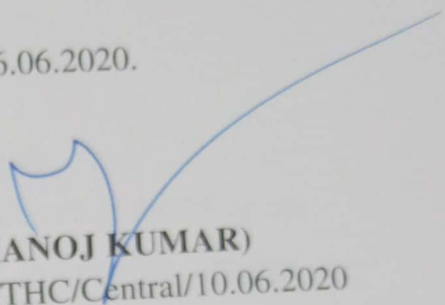
PS – Hauz Qazi (Crime Branch)

10.06.2020

Present : Sh. Rishab Jain, Ld. Counsel for complainant.

Complainant is absent.

Let, notice be issued to SHO to file status report on 16.06.2020.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

Present : Sh. Rishab Jain, Ld. Counsel for complainant.

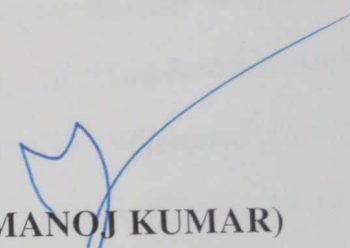
Complainant is absent.

Heard.

Reply be called from concerned SHO PS Wazirabad as to

- (1) Whether the complaint of the complainant has been received at the PS or not.
- (2) From the contents of the complaint whether any cognizable offence is disclosed or not.
- (3) Whether any FIR has been registered or not on the basis of the said complaint.

Reply be filed on 16.06.2020.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-1SZ-6724 on superdari.

Present : Ld. APP for the State.

Applicant Sandeep 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/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-1SZ-6724 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.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

Present : Ld. APP for the State.

Accused Inthab Alam in person along-with Ld. Counsel.

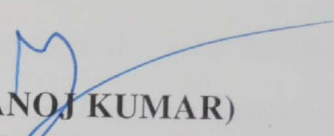
IO/HC Ravi Kant in person.

Present IO submits that accused not wanted/required in FIR No.71/20. However, there is another FIR bearing no.105/20 under Section 380/411 IPC PS Nabi Karim. The accused was sent to JC in FIR no.105/20 on 07.04.2020. However, there is no clarity as to how the accused got released from the jail.

Under these circumstances, let notice be issued to IO/HC Pappu regarding the clarification about the release of accused Intkhab Alam in FIR No.105/20. *Issue notice to jail*

subptt.

Put up for filing report/appearance of IO/FP on 12.06.2020.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-9SAF-2940 on superdari.

Present : Ld. Substitute APP for the State.

AR Amir in person.

Owner of the vehicle is Nisar Hussain.

This is an application for releasing vehicle bearing registration number DL-9SAF-2940 on superdari. Applicant submits that he is the authorized person to get released the vehicle on behalf of registered owner. Copy of authorization letter filed on record.

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.

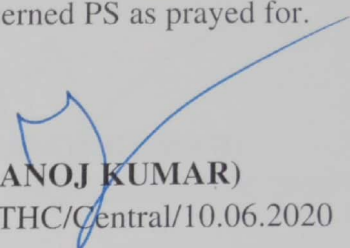
71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

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."

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-9SAF-2940 be released to the applicant by IO on furnishing security bond as per the valuation report of vehicle, authorization letter and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High of Delhi* in above cited paragraphs, if vehicle is insured. Panchnama, authorization letter, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given to the MHC(M) of concerned PS as prayed for.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

Challan No.DL-5SCF-4877

PS – Kotwali

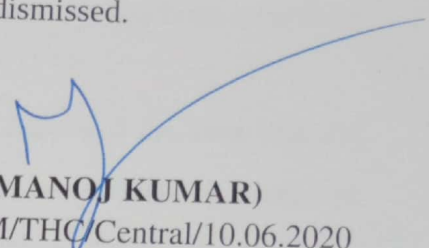
10.06.2020

Present : Ld. APP for the State.

None.

Report was filed on 08.06.2020. Perusal of the report shows that vehicle bearing registration number DL-5SCF-4877 not seized in PS Kotwali.

Under these circumstances, present application is dismissed.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-3SEL-1015 on superdari.

Present : Ld. APP for the State.

Applicant Mohd. Suhail 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.

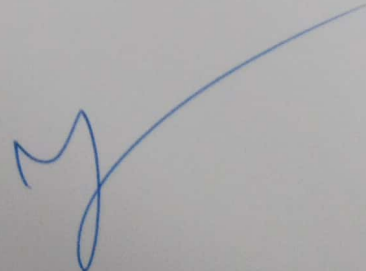
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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.

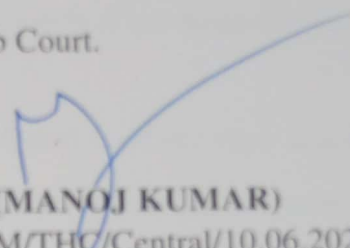
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-3SEL-1015 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.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-13SV-0586 on superdari.

Present : Ld. APP for the State.

Applicant Shahzaib Sheikh 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.

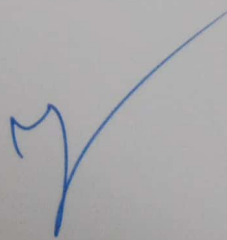
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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.

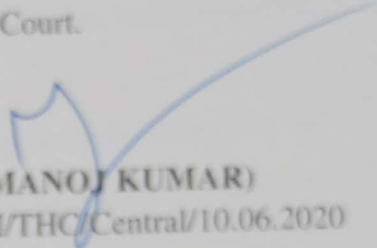
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-13SV-0586 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.


(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-1RW-7216 on superdari.

Present : Ld. APP for the State.

Applicant Mohd. Noor Nobil 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.

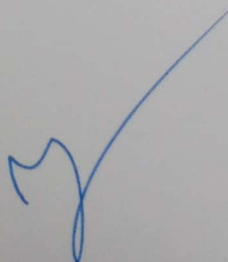
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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.

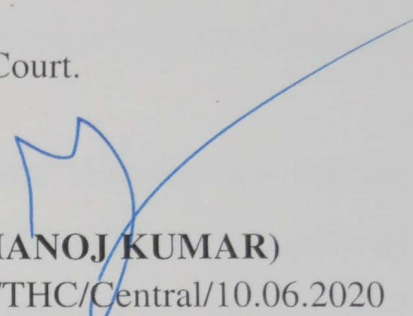
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-1RW-7216 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.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-2SR-1374 on superdari.

Present : Ld. APP for the State.

Applicant Afnan Aijaz 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 Crl. 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.

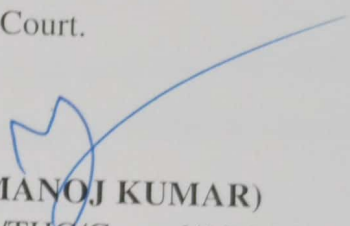
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....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-2SR-1374 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.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-1CAC-3071 on superdari.

Present : Ld. APP for the State.

Applicant Anil Massey 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.

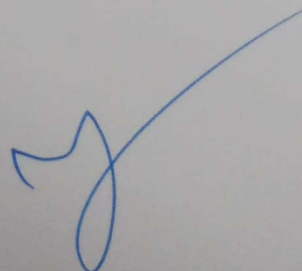
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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-1CAC-3071 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.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 0316/20

PS – Pahar Ganj

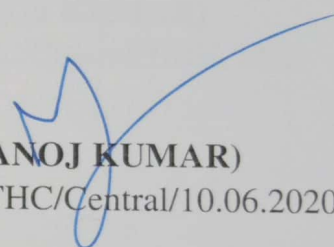
10.06.2020

Present : Ld. APP for the State.

Ld. Counsel for complainant..

Status report of IO filed. Copy of status report supplied to the Ld. Counsel for complainant.

Under these circumstances, present application stands disposed off.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

Present : Ld. APP for the State.
None.

Accused Mohd. Salim S/o Mohd. Swaleen not released from custody as Dy. Superintendent, Central Jail no.1 requested to provide correct/complete particulars of the accused.

Under these circumstances, let notice be issued to IO with direction to appear in person along-with complete particulars of the accused on 11.06.2020.

(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

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

Present : Ld. APP for the State.

Applicant Priya Tripathi 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.

Dasti copy of order be given to the concerned Naib Court.

(MANOJ KUMAR)

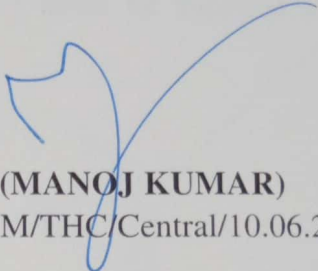
Duty MM/THC/Central/10.06.2020

FIR No. 132/20
PS – Sarai Rohilla

10.06.2020

10.06.2020 (at 12:00 pm)

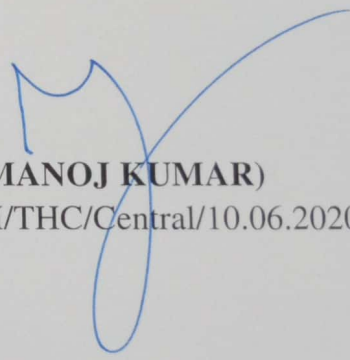
Present : Ld. APP for the State.
None.
Be awaited.



(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.

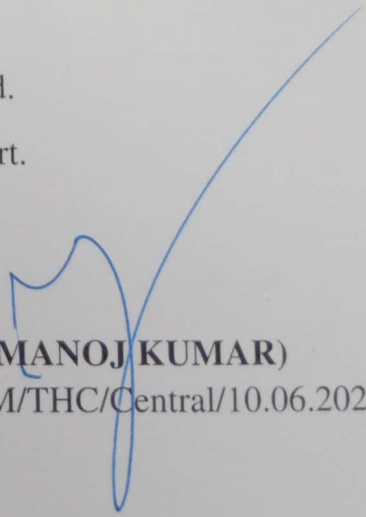


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

At 04:00 pm

Present : Ld. APP for the State.
None.

Under these circumstances, application is dismissed.
Miscellaneous papers be sent to the concerned Court.



(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

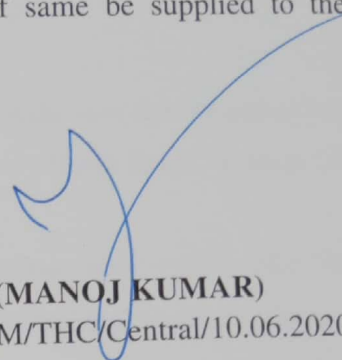
10.06.2020

Present : Ld. APP for the State.

None.

Status report already filed on LDOH. Copy of same be supplied to the applicant as and when he appears.

Application stands disposed off accordingly.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

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

Present : Ld. APP for the State.

Applicant Utsav Dhama is absent.

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.

Dasti copy of order be given to the concerned Naib Court.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

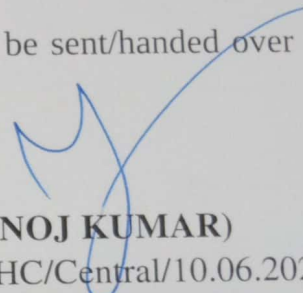
10.06.2020

Present : Ld. APP for the State.

IO/ASI Yaad Ram PS NDRS in person.

He submits that accused Ajay Pal was declared absconder on 17.02.2020. He further submits that thereafter, accused Ajay Pal never got arrested in the present case. The report also received on 15.05.2020 stating that accused Ajay Pal S/o Sh. Hari Sharan is not traceable in any jail.

Under these circumstances, miscellaneous application be sent/handed over to the concerned Ahlmad of PS NDRS.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.

(**MANOJ KUMAR**)
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.

(**MANOJ KUMAR**)
Duty MM/THC/Central/10.06.2020

At 04:00 pm

Present : Ld. APP for the State.
None.

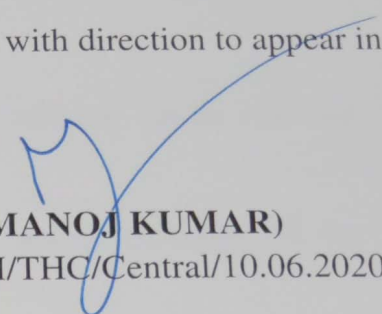
On LDOH also, none appeared on behalf of applicant.
So, application is dismissed.

(**MANOJ KUMAR**)
Duty MM/THC/Central/10.06.2020

10.06.2020

Present : Ld. APP for the State.
Mother of accused in person.
Accused is absent.

Let, notice be issued to Ahlmad of concerned Court with direction to appear in person along-with case file on 11.06.2020.



(**MANOJ KUMAR**)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : Ld. APP for the State.

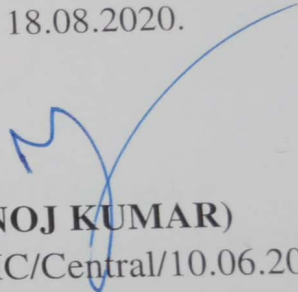
IO in person.

Heard.

Charge-sheet perused and I take cognizance of offence under Section 279/337/338 IPC.

Issue summons to the accused and notice to his surety through IO for appearance for NDOH.

Put up for appearance of accused/further proceedings on 18.08.2020.


(MANOJ KUMAR)

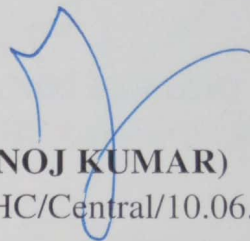
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.



(MANOJ KUMAR)

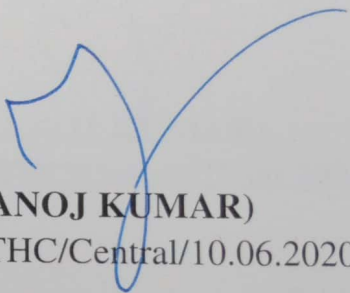
Duty MM/THC/Central/10.06.2020

10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.

None.

Be awaited.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

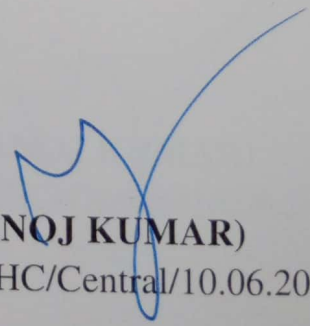
At 04:00 pm

Present : Ld. APP for the State.

None.

On LDOH also, none appeared on behalf of applicant.

So, application is dismissed.



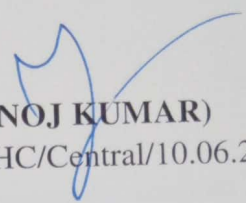
(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

Vehicle No. DL-1RV-3047

10.06.2020 (at 12:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

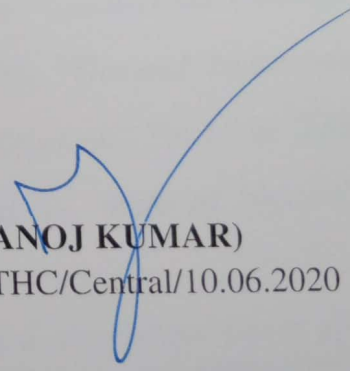
10.06.2020 (at 01:00 pm)

Present : Ld. APP for the State.
None.
Be awaited.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

At 04:00 pm

Present : Ld. APP for the State.
None.
On LDOH also, none appeared on behalf of applicant.
So, application is dismissed.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-1SR-2584 on superdari.

Present : Ld. Substitute APP for the State.

Applicant/AR Mahadev Maurya in person.

Owner of the vehicle is Ms. Manju Gupta.

This is an application for releasing vehicle bearing registration number DL-9SAF-2940 on superdari. Applicant submits that he is the authorized person to get released the vehicle on behalf of registered owner. Copy of authorization letter filed on record.

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.

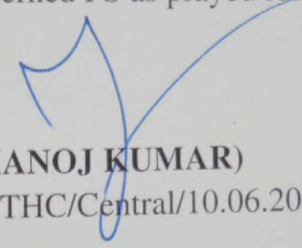
71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

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."

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-1SR-2584 be released to the AR by IO on furnishing security bond as per the valuation report of vehicle, authorization letter and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High of Delhi* in above cited paragraphs, if vehicle is insured. Panchnama, authorization letter, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given to the MHC(M) of concerned PS as prayed for.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is fresh charge-sheet filed.

Present : Ld. APP for the State.

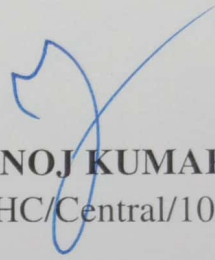
IO in person.

Accused Harsh Dhingra @ Kala is stated to be in JC.

Accused Tarun @ Pravesh Chand is stated to be on Court bail.

Be put up for production of accused persons/consideration on charge-sheet on

24.06.2020.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

FIR No. 46/20
PS – Darya Ganj

09.06.2020 (at 05:45 pm)

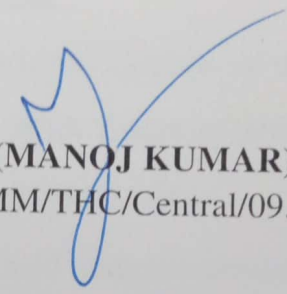
This is fresh charge-sheet filed.

Present : Ld. APP for the State.

IO/SI Mahavir in person.

Accused is stated to be in JC.

Be put up for production of accused/consideration on charge-sheet on
15.06.2020.



(MANOJ KUMAR)

Duty MM/THC/Central/09.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-1GB-7948 on superdari.

Present : Ld. APP for the State.

Applicant Sarvesh Kumar 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.

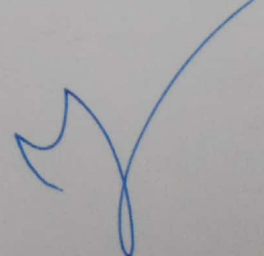
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-1GB-7948 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.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-3SDU-8702 on superdari.

Present : Ld. APP for the State.

Applicant Mohd. Hamza 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.

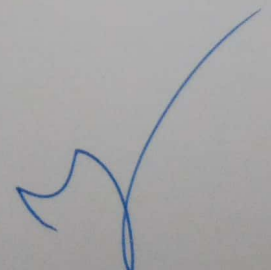
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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."

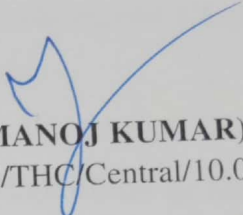
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: 2 :

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number DL-3SDU-8702 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.


(MANOJ KUMAR)
Duty MM/THC/Central/10.06.2020

10.06.2020

This is an application for releasing vehicle bearing registration number DL-5SBK-8158 on superdari.

Present : Ld. APP for the State.

Applicant Ankit Garg 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.

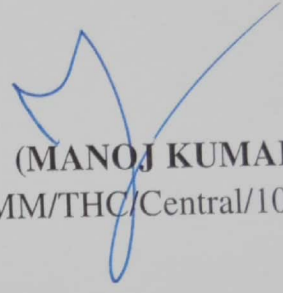
72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the 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/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-5SBK-8158 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.



(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020

10.06.2020

Present : Ld. APP for the State.

IO/SI ~~Ashok~~ Kumar in person.

IO has moved an application for issuance of NBW against the accused Ankit.

It is submitted by the IO that anticipatory bail application of accused Ankit got dismissed by Ld. Sessions Court on 27.01.2020. It is submitted by the IO that there is no order of any superior Court regarding stay of arrest of accused. He further submits that due to election duty, he could not move the appropriate application for issuance of NBW.

Heard. Case diary perused.

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

Under these circumstances, **issue NBW** against the accused, to be executed through concerned IO, returnable to this Court on NDOH.

Put up the matter for appearance of accused/further proceedings on 06.08.2020. Dasti copy of the order be given to IO as prayed for.

(MANOJ KUMAR)

Duty MM/THC/Central/10.06.2020