

03.09.2020

Joined through Video conferencing at 10:00 am.

This is an application for releasing vehicle bearing registration number DL-10SU-4925 on superdari.

Present : Ld. APP for the State.

Ms. Afshan, Ld. Counsel for the applicant Arun Dutt has joined through Cisco Webex.

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

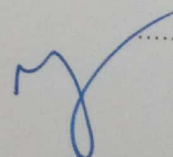
69. *The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.*

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-10SU-4925 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:05 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Jayant Kaushal, Ld. Counsel for the applicant/accused Lalit @ Lovely has joined through Cisco Webex.

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

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that FIR No.147/20 got registered under Section 188 IPC and in that FIR, there is no accused named Lalit @ Lovely.

At this stage, Ld. Counsel submits that he wants to withdraw the present bail application. Heard.

In view of the same, present bail application stands allowed to be withdrawn. Ld. Counsel is at liberty to file fresh application after verifying the particulars of the case.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the application, reply and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:10 am.

This is an application for releasing vehicle bearing registration number DL-5SBW-4061 on superdari.

Present : Ld. APP for the State.

Sh. Prince Sharma, Ld. Counsel for the applicant Kishan has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. 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-5SBW-4061 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:15 am.

This is an application for releasing vehicle bearing registration number DL-1LG-5575 on superdari.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Harish Kumar, Ld. Counsel for the applicant/owner Mukeem has joined through Cisco Webex.

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

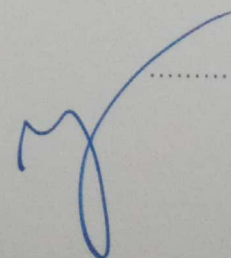
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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-1LG-5575 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

**Joined through Video conferencing at 10:20 am.**

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. S.P. Sharma, Ld. Counsel on behalf of applicant/accused Anuj has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 26.08.2020. Ld. Counsel argued that recovery has already been effected. Therefore, he should be granted bail in this case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that one knife got recovered from the possession of applicant/accused and he is involved in four other cases.

Heard. Perused.

The applicant/accused is involved in one case under POCSO Act and three cases of theft of different PS. Thus, considering the antecedent of applicant/accused, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020



03.09.2020

Joined through Video conferencing at 10:25 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Nikhil Yadav, Ld. LAC on behalf of applicant/accused Shyam has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 20.08.2020. Ld. LAC argued that one ceiling fan and home theater got recovered from the home of the applicant/accused and there is no mention of home theater in the FIR. Ld. LAC further argued that applicant/accused is not previously involved in any other case and he is a young man of around 25 years of age. He further argued that there is no CCTV footage of the area. So, prima-facie evidence pertains to Section 411 IPC only. Therefore, he should be granted bail in this case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that during investigation, applicant/accused and one co-accused/CCL got arrested and case property got recovered from them. The applicant/accused is not involved in any other case.

Heard. Perused.

The FIR in the present matter got registered under Section 457/380/411/34 IPC. Section 457 IPC entails imprisonment upto 14 years. Recovery also effected from the home of applicant/accused. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:30 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

MHC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that this Court has no jurisdiction to dispose of the case property as case property pertains to excise Act.

Hence, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:55 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

MHC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that particulars of the case is not provided by MHC(M). MHC(M) is at liberty to file fresh application stating the section(s) under which the case was registered.

At this stage, MHC(M) submits that he wants to withdraw the present application. Heard.

In view of the same, present application stands allowed to be withdrawn.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing from 10:55 to 11:05 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

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

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

Applications stand disposed off.

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

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:35 am.

Present : Lt. APF for the State has joined through Cisco Webex.

AMC(M) has joined through Cisco Webex.

AMC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that this Court has no jurisdiction to dispose

of the case property as case property pertains to Excise Act.

Hence, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order

be also sent to the e-mail of SHO P5 Civil Lines. The printout set of the applications and the

order be kept for records and be tagged with the final report.

(SUNIL KUMAR)

Off. 66/11/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:40 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

MHC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that this Court has no jurisdiction to dispose off the case property as case property pertains to excise Act.

Hence, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:45 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

MHC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that this Court has no jurisdiction to dispose off the case property as case property pertains to excise Act.

Hence, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 10:50 am.

Present : Ld. APP for the State has joined through Cisco Webex.

MHC(M) has joined through Cisco Webex.

MHC(M) has filed an application electronically for disposal of case property.

Perusal of the application shows that this Court has no jurisdiction to dispose off the case property as case property pertains to excise Act.

Hence, application is dismissed.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020



FIR No. 005019/20

PS –Civil Lines

CIS No.5031/20

03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 17.09.2020.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 280/19  
PS –Civil Lines  
CIS No.5030/20

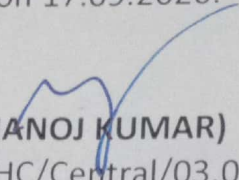
03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 17.09.2020.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 000664/19

PS –Sadar Bazar

CIS No.5051/20

03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 08.12.2020.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 000608/19

PS –Sadar Bazar

CIS No.5048/20

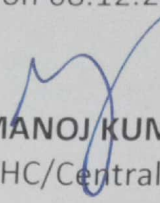
03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 08.12.2020.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 15184/20

PS –Sadar Bazar

CIS No.5042/20

03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 08.12.2020.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 419/14

PS –Sadar Bazar

03.09.2020

*Fresh charge-sheet filed. Let, it be checked and registered.*

Present : Ld. APP for the State.

None.

Be put up for consideration on charge-sheet/FP on 08.12.2020.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 11:40 am.

Present : Sh. Surender Singh, Ld. Counsel on behalf of complainant has joined meeting.

Be put up for purpose already fixed/FP on 16.12.2020.

Copy of order be uploaded on CIS.

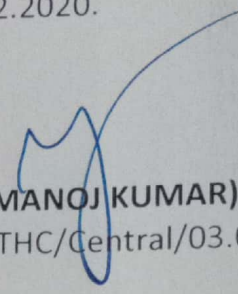
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

03.09.2020

Joined through Video conferencing at 11:30 am.

Present : Ld. APP for the State.  
Sh. Rahul Tyagi, Ld. LAC on behalf of accused.  
Be put up for purpose already fixed/FP on 16.12.2020.  
Copy of order be uploaded on CIS.

  
(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020



FIR No.79/12

PS –Civil Lines

CC No.289411/16

03.09.2020

Joined through Video conferencing at 11:25 am.

Present : Ld. APP for the State.

Sh. Rahul Tyagi, Ld. LAC for accused Anil Massy has joined meeting through webex.

Sh. Dharam Singh Chauhan, Ld. Counsel for accused David Danial has joined meeting through webex.

Be put up for purpose already fixed/FP on 10.12.2020.

Copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020

FIR No. 87/14

PS –Civil Lines

CC No.13030/17

03.09.2020

Joined through Video conferencing at 11:45 am.

Present : Ld. APP for the State.

Sh. Rajat Asija, Ld. Counsel on behalf of accused has joined meeting.

Be put up for purpose already fixed/FP on 10.12.2020.

Copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/03.09.2020