

15.07.2020

Through Video conferencing at 11:40 am.

This is an application for releasing vehicle bearing registration number UP-13BN-3922 on superdari.

Present : Ld. APP for the State.

Sh. Anurag Sharma, Ld. Counsel for applicant Deepak Giri joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

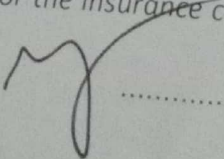
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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

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

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

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


.....Contd/-

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number UP-13BN-3922 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/15.07.2020

FIR No.: 266/20
U/s 420 IPC
PS- Civil Lines
State Vs Abdul Kareem Rana

15.07.2020

(Through Video Conferencing at 11.20 am)

Present : None for the State.
Mr. Faheem Alam, Id. Counsel for accused joined through Cisco

Webex.

This is an application for grant of interim bail to the applicant/accused. However, at this stage, Ld. Counsel for accused wants to withdraw the present application.

Heard. At request, the present application stands dismissed as withdrawn.

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

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/15.07.2020

FIR No.: 13/20
PS- Civil Lines

15.07.2020
(Through Video Conferencing at 11.25 am)

Present : None for the State.

Mr. Ravi Raj, Id. Counsel for applicant.

Report from Jail Superintendent received.

Copy of report be sent to Id. Counsel for applicant.

Hence, the present application stands disposed off.

One copy of the order be uploaded on Delhi District Court Website. The printout of the application, report and order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/15.07.2020

FIR No.: 10617/20
PS- Sadar Bazar

15.07.2020

This is an application for releasing of vehicle i.e. scooty.

Present : None for the State.

Ld. Counsel for applicant has not joined on Cisco Webex.

The present matter pertains to the concerned JJB as both accused persons are juvenile. So, the present application stands disposed off.

One copy of the order be uploaded on Delhi District Court website. The printout of the application, report and order be kept for records.

(MANOJ KUMAR
MM-6(C)/THC/Delhi/15.07.2020

15.07.2020

Through Video conferencing at 11:40 am.

This is an application for releasing vehicle bearing registration number UP-13BN-3922 on superdari.

Present : Ld. APP for the State.

Sh. Anurag Sharma, Ld. Counsel for applicant Deepak Giri joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held :-

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

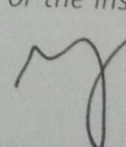
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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

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

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

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

.....Contd/-

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number UP-13BN-3922 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/15.07.2020

15.07.2020

Through Video conferencing at 11:30 am.*This is an application for releasing article i.e mobile phone.*

Present : None for the State.

Sh. Ajay Sharma, Ld. Counsel for applicant joined through Cisco Webex.

IO has filed his reply electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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

(MANOJ KUMAR)

MM-06/THC/Central/15.07.2020