

17.09.2020

Joined meeting through Video conferencing at 10:00 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Sunil Tiwari, Ld. Counsel on behalf of applicant/accused Rahul has joined meeting 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 16.07.2020. Ld. Counsel argued that co-accused has already been granted bail vide order dated 14.08.2020 and investigation is complete and charge-sheet has been filed. Therefore, applicant/accused should be granted bail in this matter.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that applicant/accused has been apprehended by the police officials and he is the BC of the area.

Heard. Perused.

Considering that co-accused has already been granted bail vide order dated 14.08.2020 and charge-sheet has been filed, so no purpose would be served by keeping the applicant/accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.15,000/- each and subject to the following conditions :-

1. that accused person(s) shall attend the Court as per conditions of bond to be executed,
2. that accused person(s) shall not commit similar offence and ;
3. that accused person(s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Application stands disposed off accordingly. 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/17.09.2020



17.09.2020

**Joined meeting through Video conferencing at 10:05 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

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

Report on behalf of IO filed. Copy of same supplied to Ld. Counsel electronically.

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.

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/17.09.2020



17.09.2020

Joined meeting through Video conferencing at 10:10 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. A.K. Sharma, Ld. Counsel on behalf of applicant/accused Arjun has joined meeting through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application. Reply of IO filed. Copy of same supplied to Ld. Counsel electronically.

I have considered the submissions made in the application.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

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/17.09.2020



17.09.2020

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

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

None has joined meeting through Cisco Webex.

IO has filed his reply electronically. Copy of same supplied to applicant 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/17.09.2020



17.09.2020

Joined meeting through Video conferencing at 10:15 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Vijay Kumar, Ld. Counsel on behalf of victim has joined meeting through Cisco Webex.

This is an application for inspection of Court file.

Heard. Application is allowed as per rules.

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

**(MANOJ KUMAR)**

MM-06/THC/Central/17.09.2020



17.09.2020

Joined meeting through Video conferencing at 10:20 am.

This is an application for releasing vehicle bearing registration number DL-6SAP-9467 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Applicant Jatinder Pal Singh has not joined meeting despite intimation.

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

Perusal of the same shows 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-6SAP-9467 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 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/17.09.2020



17.09.2020

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

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

None has joined meeting through Cisco Webex.

IO has filed his reply electronically. Copy of same supplied to applicant 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/17.09.2020



17.09.2020

**Joined meeting through Video conferencing at 10:30 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Shiv Charan Garg, Ld. Counsel on behalf of complainant has joined meeting through Cisco Webex.

At request, be put up on 19.09.2020.

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

**(MANOJ KUMAR)**

MM-06/THC/Central/17.09.2020



17.09.2020

Joined meeting through Video conferencing at 10:35 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined meeting through Cisco Webex.

Sh. Chanderkant Tyagi, Ld. Counsel on behalf of applicant/accused Pawan Tyagi has joined meeting through Cisco Webex.

Reply has been filed by Addl. DCP, North District. Copy of same supplied to Ld. Counsel for applicant/accused electronically.

Ld. Counsel for applicant/accused submitted that specific reply has not been filed by the Addl. DCP. He further submitted that the actual agreement between the Delhi Police/Government with the private firm be summoned for clarification regarding exact period for which CCTV footages are preserved. He further submitted that it is mentioned in the report that they are trying to locate/retrieve CCTV footages of PS Civil Lines. So, Ld. Counsel submitted that, it seems relevant footages have already been deleted. He also filed the copy of two orders passed by **Hon'ble High Court of Delhi** regarding installation of CCTV cameras at PS. He further submitted that as per the order of **Hon'ble High Court of Delhi**, the CCTV footages at PS be preserved for at least one month and maximum by three months. He further submitted that one month is going to be expired today itself, so immediate/urgent action is required so that officials do not destroy/manipulate the CCTV footages of PS.

Perusal of the reply of Addl. DCP shows that CCTV cameras near Lal Quila were temporarily installed for Independence Day. It is mentioned in the report that private company has formatted the hard-disk in which the relevant CCTV footage as mentioned in the order dated 09.09.2020 was stored. Thus, Addl. DCP submitted that same could not be available. As far as CCTV cameras installed at PS are concerned, the same are being maintained by Innovatiview India Pvt. Ltd and their technicians presently locating/retrieving the footages as per the order dated 09.09.2020.

Heard. Perused.

The applicant has provided the locations of several cameras, but till date, no CCTV footage has been preserved by the concerned IO/SHO/DCP despite specific directions in this regard as contained in order dated 09.09.2020. Nothing has been mentioned by the Addl. DCP regarding the exact time frame upto which CCTV footages are kept/stored. The **Hon'ble Supreme Court and Hon'ble High Court of Delhi** time and again directed the police department to maintain CCTV cameras at PS so that the same may be used as evidence. But,



it seems that order of *Hon'ble Supreme Court and Hon'ble High Court of Delhi* has not been complied by the concerned DCP, ACP and SHO in letter and spirit. The word retrieve has been mentioned which prima-facie shows that the data has been deleted even before one month get expires.

Thus, such an evasive reply on behalf of police department raises doubt regarding their seriousness in complying the order of the Court. Let, notice be issued to concerned DCP to file detailed report electronically regarding standard/usual time frame upto which CCTV footages are mandated to be kept/stored in police stations. The concerned DCP is also directed to file detailed report in view of order dated 09.09.2020 urgently.

Be put up for filing report on behalf of concerned DCP/FP on **19.09.2020**.

One copy of order be uploaded on Delhi District Court website. Copy of order be sent to concerned DCP and SHO electronically today itself.

**(MANOJ KUMAR)**

MM-06/THC/Central/17.09.2020



17.09.2020

Joined meeting through Video conferencing at 10:25 am.

*Fresh case received by way of assignment. It be checked and registered.*

Present : Sh. Akshay Srivastav, Ld. Counsel on behalf of complainant has joined meeting through Cisco Webex.

Heard.

Reply be called from concerned SHO PS Civil Lines 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 29.10.2020.

One copy of order be uploaded on Delhi District Court website. Ld. Counsel for complainant is directed to file copy of complainant/documents physically as well as electronically.

**(MANOJ KUMAR)**

MM-06/THC/Central/17.09.2020