

e FIR no.ED PN 000514/2020
PS Pandav Nagar
State vs. Pankaj Kumar
U/s 379 IPC

10.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant/ accused through V.C. on CISCO Webex App.

Arguments on bail application heard and the application/record perused.

As per reply filed by the IO, accused has been found in possession of stolen mobile. As per allegations, the accused used to unlock the stolen mobiles which were brought by the co-accused who used to commit snatching or theft of mobile. Accused is involved in many other criminal cases. Considering the previous involvement of the accused in criminal cases and facts of the case, I am not inclined to grant bail to the accused at this stage. Hence, the present application of applicant/accused Pankaj Kumar for grant of bail is hereby **dismissed**.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. One copy be also sent to Jail Suptd. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

e FIR no.ED PN 000403/2020
PS Kalyanpuri
State vs. Pankaj Kumar
U/s 379/411 IPC

10.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant/ accused through V.C. on CISCO Webex App.

Arguments on bail application heard and the application/record perused.

As per reply filed by the IO, accused has been found in possession of stolen mobile of this case. As per allegations, the accused used to unlock the stolen mobiles which were brought by the co-accused who used to commit snatching or theft of mobile. Accused is involved in many other criminal cases. Considering the previous involvement of the accused in criminal cases and facts of the case, I am not inclined to grant bail to the accused at this stage. Hence, the present application of applicant/accused Pankaj Kumar for grant of bail is hereby **dismissed**.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. One copy be also sent to Jail Suptd. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

FIR no.476/20
PS Pandav Nagar
State vs. Untrace

10.12.2020

This is a Superdari application received through official Email address of the court. Reply has also been filed through Email. Application taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123 /Judl.Br.East/KKD dated 27.11.2020.

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant through V.C. on CISCO Webex App.

Record is perused and it reveals that **applicant Kunal Kumar is the owner/rightful claimant of the vehicle bearing no. DL 3S EQ-6683. IO has no objection in release of case property to the applicant.**

Keeping in view the report of IO and judgment passed by Hon'ble High Court of Delhi in *Manjit Singh Vs State; Crl. M.C.4485/2013 and Crl. M.A.No. 16055/2013* wherein inter-alia the law laid down by Hon'ble Supreme Court in case titled as *Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat; (2002) 10 SSC 283* has been re-iterated, the application is allowed. Concerned IO as well as SHO are directed as under:

(i) to release the above mentioned vehicle to registered owner subject to preparing detailed proper panchnama of above mentioned vehicle and taking photographs of above mentioned vehicle from all possible angles including engine number and chasis number and file the same alongwith charge sheet, (ii) to get panchnama and photographs of above mentioned vehicle attested and countersigned by concerned party as well as by registered owner and IO. (iii) IO however shall release the vehicle only after verification of ownership documents of applicant.

Applicant shall also file an indemnity bond before the IO. IO/SHO is directed to do the needful. Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama and court fees as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

FIR No. 449/20
PS Kalyanpuri

10.12.2020

This is a misc application of applicant and received through official Email ID of the court. Reply was filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020.

This is an application to call ATR, CCTV Footage, case diary etc.

Present: Ld. APP for the State through V.C. on CISCO Webex App.

None for applicant

Reply was filed by the IO as per which matter has been transferred to MACT Branch.

Report be called from MACT Branch for 21.12.2020.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

FIR No. 217/19
PS Pandav Nagar
State vs. Inderjeet Yadav

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application moved by the applicant Inderjeet Yadav seeking release of vehicle no. HP 64A 8684 in his favour moved pursuant to order of Ld. Revision Court.

Present: Ld. APP for State
None for applicant
Sh. Briijpal, Counsel for complainant.

Counsel for complainant submits that the copy of Affidavit as directed, has not been supplied to him. Since Counsel for applicant is absent, matter is pass over till 12.00 PM.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

At 12.30 PM.

Present: Ld. APP for State
None for applicant
Sh. Briijpal, Counsel for complainant.

Counsel for applicant is absent even at this stage. Hence, now I shall proceed further as matter cannot be repeatedly adjourned.

ORDER

Brief facts of the present case as per allegations are that the aforesaid vehicle Ford Endeavour bearing registration No. HP 64A 8684 was snatched/ forcibly taken away by the accused persons from the possession of the complainant and he was also forced to sign transfer papers and other documents. The said forged transfer papers are being used by applicant herein, to claim ownership over the vehicle. The applicant Inderjeet Yadav moved a superdari application contending that the aforesaid vehicle was sold to him by complainant for an amount of Rs.30 lakhs and possession was also handed over to him. Said superdari application was dismissed by Ld. Predecessor of this court vide order dated 04.07.2020. Thereafter applicant preferred revision against the said order. Ld. Session Court vide order dated 26.10.2020 set aside the said order of dismissal of superdari and directed to re-consider the application and also to conduct proper enquiry regarding claim over the vehicle.

Pursuant to said direction, enquiry was conducted by Ld. Predecessor and applicant was directed to produce the documents/receipt of having made payment to the complainant towards the purchase of the said vehicle. However, Ld. Counsel for applicant informed the court that applicant was having no such documents. It was further informed that payment was made in cash. Under such circumstances, vide order dated 21.11.2020, this court directed the applicant to produce the proof that he was having cash worth Rs.30 lakhs to pay to the complainant and the source of the same. Repeated opportunities were given but no such document was produced. Thereafter, the applicant was directed to file affidavit regarding the same but he failed to even do so. Infact Ld. Counsel for applicant informed that the applicant does not want to file affidavit since he may face problems from the IT Department considering the huge amount of cash involved in the transaction. Last and final opportunity was given on the previous date. However, even today, no such affidavit or any proof was filed.

Applicant or his Counsel were absent in the morning at the time of first call and even at the time of second call. It is already 12.25 pm. Enquiry stands concluded for want of any documentary proof being produced by applicant.

Hence, it is apparent that applicant does not have any such document to show payment of money being made to the complainant or his source showing possession of Rs.30 lakhs in cash at the time of alleged purchase of vehicle. Under such circumstances, the applicant has failed to show even prima facie case in his favour. Accordingly, the vehicle in question cannot be released to him. The superdari application is hence, dismissed.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the accused as well as to the complainant/ Counsel, preferentially on email ID or else on mobile number. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama and court fees as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

Case no.52/20

Fullerton India Credit Co. Ltd vs Mr. Arun Kumar Sharma and Ors.

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application on behalf of Receiver for non compliance of order dated 02.11.2020.

Present: Applicant/ Receiver Ms. Megha Brijwasi in person

Put up for consideration on 17.12.2020.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

Case no.117.19
Corpn Bank vs Nisha Enterprises

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application for execution of order dated 18.10.19.

Present: Ld. Counsel for applicant bank.

Heard.

Let notice of the application be issued to the Receiver for 16.12.2020.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

Case No.1660/20

Rafeek Khan vs. State and Ors.

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application u/s 451 Cr.P.C. for de-freezing of bank account of applicant Rafeek.

Present: Ld. Counsel for applicant

As per reply filed by the IO, applicant has joined investigation and his account is no longer required to be freezed. He has no objection if the application is allowed.

Accordingly, in view of reply of the IO, the application is allowed. Account No.079200210012039, PNB Bank Branch Jurhera, Bharatpur, Rajasthan, in the name of applicant Rafeek Khan be de-freezed.

Further let an explanation be called from concerned SHO as to why offence u/s 413 IPC is not made out in this case. Put up on 14.12.2020.

At request, copy of this order be made available to the applicant preferentially on email ID or else on mobile number. Copy of the order be also sent to the concerned bank though IO. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama and court fees as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi

10.12.2020

FIR no.0349/2020
PS Pandav Nagar
State vs. Sehjad etc.
U/s 392/411/34 IPC

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application u/s 437 Cr.P.C. for grant of bail.

Present: Ld. APP for State
Ld. Counsel for applicant
Ld. Counsel for applicant has joined VC but due to poor connectivity, matter has to be adjourned.
Put up on 11.12.2020.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

FIR No. 217/2020
PS Pandav Nagar
State vs. Pradeep
U/s 379 IPC

10.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ms. Sunita Singh, Ld. LAC for the applicant through V.C. on CISCO Webex App.

Arguments on bail application heard and the application perused.

In the facts and circumstances of the case, it is clear that the applicant/accused is not required for any custodial purpose. Applicant/accused Pradeep is admitted to bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount. The accused shall abide by the conditions as laid down in Sec 437(3) Cr.PC.

Application is disposed off accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

e FIR No. 2898/20
PS Pandav Nagar
State vs. Naved
U/s 379/411/34 IPC

10.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ms. Sunita Singh, Ld. LAC for the applicant through V.C. on CISCO Webex App.

Arguments on bail application heard and the application perused.

In the facts and circumstances of the case, it is clear that the applicant/accused is not required for any custodial purpose. Applicant/accused Naved is admitted to bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount. The accused shall abide by the conditions as laid down in Sec 437(3) Cr.PC.

Application is disposed off accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

e FIR No. 00488/20
PS Kalyanpuri
State vs. Sunil @ Ajay
U/s 379/411 IPC

10.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ms. Sunita Singh, Ld. LAC for the applicant through V.C. on CISCO Webex App.

Arguments on bail application heard and the application perused.

In the facts and circumstances of the case, it is clear that the applicant/accused is not required for any custodial purpose. Applicant/accused Sunil @ Ajay is admitted to bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount. The accused shall abide by the conditions as laid down in Sec 437(3) Cr.PC.

Application is disposed off accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020

CT Cases 120/19

Yes Bank vs. Orion Automobiles Pvt Ltd and Ors.

10.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application moved by applicant bank for seeking directions to the Receiver to take physical possession of mortgaged property.

Present: Sh. Rajat Katiyal, Proxy Counsel for applicant Bank.

Let notice be issued to Receiver for 14.12.2020.

(Atul Krishna Agrawal)
CMM(East) KKD Courts Delhi
10.12.2020