

State vs. Mohan Kumar  
FIR No. 315/20  
PS. Madhu Vihar  
U/s. 448/420/468/471/120B/34 IPC

14.01.2021

Present: Ld. APP for the State.  
Ld. Counsel for application.

This is an application for calling status report from SHO Madhu Vihar.

Application was filed on 07.01.2021 and was listed for status report for today. No report has been filed by the IO. SHO Madhu Vihar is directed to file the exact detail and investigation is carried out in FIR no. 315/20, PS Madhu Vihar.

IO is directed to remain present on NDOH.

Put up for report on 19.01.2021.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
**14.01.2021**

State vs. Shailesh Dixit & ors.  
FIR No. 21/13  
PS.Madhu Vihar  
U/s. 420/34 IPC

14.01.2021

Present: Ld. APP for the State.

IO/ Insp. Manvender Singh in person.

An application for issuance of process u/s 82 Cr.P.C against the accused Shailesh Dixit s/ Devi Chand Dixit and accused Sanjeev Rastogi s/o R.K. Rastogi has been moved by the IO.

It is stated that NBW was issued against both the accused persons on 07.12.2020 by this court.

NBW received unexecuted. Record perused. It appears that accused is deliberately concealing themselves.

Let Process u/s 82 Cr.P.C be issued against both the accused Shailesh Dixit s/ Devi Chand Dixit and accused Sanjeev Rastogi s/o R.K. Rastogi for 22.03.2021.

IO is further directed that the proclamation u/s 82 Cr.P.C be also published in local newspapers (English and Hindi).

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
14.01.2021

14.01.2021

This is an application for releasing vehicle No. DL-7SCB-7778 (Honda Activa/scooty, colour Brown) on superdari moved by the applicant Tamanna Singla d/o Sh. Rajender Prasad Singla.

Present: Ld. APP for the State.  
Counsel for applicant.

It is submitted that applicant is the registered owner of aforesaid vehicle. It is also submitted by applicant that the aforesaid vehicle is offending vehicle and the same was not insured on the date of offence.

Report of IO is perused. Taken on record. Vehicle is stated to be offending vehicle which was uninsured on the date of offence. In view of the **Rule 6A of MACT** rules, applicant is directed to deposit an FD in the amount of **Rs. 30,000/-** in the court. Instead of releasing the vehicle on superdari. I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai vs. State of Gujrat, AIR 2003 SC 638** where it has been held that:

*"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 alongwith 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.”*

The view of the Hon'ble Supreme Court has been reiterated by the Hon'ble Delhi High Court in case titled as **Manjit Singh vs. State in Crl. M.C.No. 4485/2013 dated 1.09.2014**. Considering the facts and circumstances and law laid down by higher courts, vehicle in question **bearing no. DL-7SCB-7778 (Honda Activa/scooty, colour Brown)** be released to the registered owner/ applicant on furnishing security bond as per valuation report of the vehicle after mechanical inspection. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court and **furnishing of FD in compliance of MACT rules**, the vehicle shall be released by the IO. **FD not furnished and same be furnished before the IO. IO shall also verify the ownership of the aforesaid vehicle and identity of the applicant. IO shall also annexed the original FD with the charge-sheet.** Panchnama and valuation report shall be filed in the court alongwith charge-sheet.

Application disposed off accordingly.

Copy of order be given dasti to applicant.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
**14.01.2021**

14.01.2021

Present order shall dispose off the bail application of accused Nadeem s/o Sh. Arshad (Ashraf) Khan.

Present: Ld. APP for State.  
Counsel for applicant.

It is argued by counsel for accused that accused is in custody since 22.11.2020. It is further stated that accused has falsely implicated in this case. It is further stated that nothing has been recovered from the possession of accused. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was arrested at the spot and stolen mobile phone was recovered from the possession of accused. It is further stated that charge-sheet has already been filed in the present case. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

Considering the fact that accused is in JC since 22.11.2020 and recovery has already been effected. Further, charge-sheet has already been filed in the present case. Furthermore, in view of the ongoing Covid pandemic conclusion of trial may take some time. In view of the same, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same, accused Nadeem s/o Sh. Arshad (Ashraf) Khan be released on bail, subject to furnishing of bail bond and two sureties for a sum of Rs. 10,000/- each and further bail is granted subject to the conditions that:-

1. He shall not threaten or influence the witnesses.
2. He shall join the investigation as and when he is called upon by the IO.
3. He shall not tamper with evidence.
4. He shall appear before this court on each and every date of hearing.
5. He shall further intimate the court about change of his or his surety's address.

Application is disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
**14.01.2021**

14.01.2021

This is an application to release vehicle no. DL-5CB-9692 (Honda City) on superdari moved on behalf of applicant Sonal Sharma d/o Lt. Sh. Surender Sharma.

Present : Ld. APP for the State.

Counsel of applicant.

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the vehicle is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

**Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State'** has laid down detailed guidelines for disposal of the case properties. In respect of release of vehicle, Hon'ble Court has laid down following guidelines:

*"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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith he valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".*

In the facts and circumstances of the case, **vehicle bearing No. DL-5CB-9692 (Honda City) is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

**(Bharat Aggarwal)**

MM-05/Shahdra/KKD Court  
14.01.2021

State vs. Pankaj s/o Lutan Shah  
FIR No. 38490/18  
PS. Madhu Vihar  
U/s. 379/411/34 IPC

14.01.2021

Present: Ld. APP for the State.

Ms. Payal, LAC for applicant / accused.

An application for grant bail moved on behalf of applicant / accused Pankaj s/o Lutan Shah.

It is stated that accused Pankaj s/o Lutan Shah has already been granted bail in the present case on 22.11.2019

In these circumstances as accused has already been granted bail in the present case on 22.11.2019, application of accused stands dismissed.

Application is disposed off accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
14.01.2021

State vs. Ahsan s/o Mohd. Yunus  
DD No. 37A  
PS. Jafrabad  
U/s. 41D/102 Cr.P.C

14.01.2021

This is an application for grant of bail on behalf of accused Ahsan s/o Mohd. Yunus.

Present: Ld. APP for the State.  
None for applicant.

It is stated that the accused is in JC since 17.09.2020.

Reply filed by the IO. As per reply filed by the IO ASI Satyadev, PS Jafrabad, it is stated that on 17.09.2020 accused was found in the possession of stolen motorcycle for which e-FIR no. 13718/20 was registered in PS Bharat Nagar. It is further stated by the IO that accused was formally arrested in u/s 41.1D/102 Cr.P.C and he was produced before the concerned Jail Duty MM, Mandoli Jain in Kalandara DD no. 37A dated 17.09.2020. Order dated 17.09.2020 of Ld. Jail Duty MM, Mandoli Jail for reveals that accused Mohd. Ahsan formally interrogated and arrested and the said kalandra was also disposed off on the same day.

A report dt. 04.01.2021 has also put before me issued by Jail Supt. Central Jail no. 11, Mandoli whereby it is requested to intimate whether the accused is on bail or not in the DD no. 37A dated 17.09.2020 PS Jafrabad.

From perusal of the order dt. 17.09.2020 of the Ld. Jail Duty MM, It is quite apparent that the kalandara DD no. 37A, PS Jafrabad, State vs. Md. Ahsan, U/s 41.1 (D)/102 Cr.P.C was already disposed off. Therefore, accused Md. Ahsan is not required in kalandara DD no. 37A, PS Jafrabad, State vs. Md. Ahsan, U/s 41.1 (D)/102 Cr.P.C and Jail Supt. Is directed to released the accused Md. Ahsan s/o Mohd. Yunus if not required in any other case.

Let the copy of this order be sent to Jail Supt. immediately.

Application filed by the accused Md. Ahsan is accordingly disposed off.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
14.01.2021