

FIR No. 595/20  
U/s 379/356/34 IPC  
PS. Shastri Park  
State v Unknown

15.12.2020

Proceedings conducted through video-conferencing

This is an application for getting released mobile phone on Superdari

Present: Ld. APP for State.

Ld. Counsel for applicant.

Arguments on the application heard. Perused. The present application for release of Mobile phone make Samsung Galaxy A-10 (bearing IMEI No. 357872105717103, 357873105717101) on superdari has been filed by the applicant. It is stated by the applicant that he is the owner of the above said mobile phone with request to release the same to him on superdari.

Reply has been filed by ASI Satish Chand wherein it is stated that accused was apprehended along with the above said stolen mobile phone and there is no objection for the release of said mobile phone on superdari.

Heard.

In these circumstances the aforesaid mobile be released to the applicant subject to the following conditions:

1. Mobile phone be released to its owner only subject to furnishing of superdarinama in the sum of Rs. 3,000/- to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, make, owner and other necessary details of the mobile phone.
3. IO shall take the colour photographs of the mobile phone from different angles.
4. The photographs should be attested and counter signed by the complainant, accused and the applicant;
5. IO shall get the mobile phone value from a proper valuer and shall take a valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

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(Nitish Kumar Sharma)

MM(03)/North East/KKD Court/Delhi

15.12.2020

FIR No. 558/20  
PS. Shastri Park  
State v Balwant

15.12.2020

Proceedings conducted through video-conferencing  
This is an application for releasing of Jamatalashi articles

Present: Ld. APP for State.  
Applicant with counsel.

At request of counsel, put up for 16.12.2020

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(Nitish Kumar Sharma)  
MM(03)/North East/KKD Court/Delhi  
15.12.2020

FIR No. 585/20  
U/s 323/341/34 IPC  
PS. Shastri Park  
State v Unknown

15.12.2020

Proceedings conducted through video-conferencing  
This is an application for releasing of vehicle No. DL5S CK 2998 on  
superdari.

Present: Ld. APP for State.  
Applicant with counsel.

Reply filed by the IO/ASI Satish Chand. Same is taken on record.

The vehicle is no more required for the purpose of investigation.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State Crl. M.C. 4485/2013 decided on 10.09.2014** wherein it has been held that:

*“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 countersigned by the complainant, accused as well as by the person to whom the custody is handed over.*

*The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.*

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

*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.*

*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.”*

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. DL5S CK 2998 be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

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(Nitish Kumar Sharma)  
MM(03)/North East/KKD Court/Delhi  
15.12.2020

FIR No. 654/20  
PS. Khajuri Khas  
U/s 328/376/506  
State v Rajkumar

15.12.2020

Proceedings conducted through video-conferencing  
This is an application u/s 82 CrPC

Present: Ld. APP for State.

Report filed by Ct. Sandeep stating that notice u/s 82 CrPC was affixed on the house of accused as well as public announcements were made. However, there is no mention as to publication of the process in a leading National English/Hindi/Vernacular newspaper having circulation in the area of residence of accused.

IO is directed to strictly comply with the directions and get the process u/s 82 Crpc published and file report.

Copy of order be sent to IO through concerned Naib for information and strict compliance.

Put up for 10.02.2021

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(Nitish Kumar Sharma)  
MM(03)/North East/KKD Court/Delhi  
15.12.2020

FIR No. 923/06

PS. G.Puri

State v Arun Soni

15.12.2020

Proceedings conducted through video-conferencing  
This is an application for status report

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

Status report/Reply filed by the MHCR. Same is taken on record. Same  
be shared with counsel for applicant.

As per report, accused applicant was convicted in the given FIR and a  
fine of Rs. 1300/ was paid.

Application stands disposed off.

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(Nitish Kumar Sharma)  
MM(03)/North East/KKD Court/Delhi  
15.12.2020

FIR No. 04/2019  
PS. Gokulpuri  
U/s 406 IPC  
State v Unknown

15.12.2020

Proceedings conducted through video-conferencing  
This is an application for permission to sell the vehicle

Present: Ld. APP for State.  
Applicant with Counsel.

The present application is for permission to sell the vehicle DL 1 RT 6781. It is submitted by ld. Counsel for applicant that the vehicle has already been released to the applicant on Superdari as the applicant is the real owner. It is further submitted that the applicant can not maintain the said vehicle any more and seeks permission to sell the vehicle. It is further submitted that the applicant shall ensure presence of the vehicle during the trial if required as he intends to sell it to known person.

Reply has been filed by ASI wherein it is stated that the chargesheet in the present matter has already been filed and there is no objection if the vehicle in question is permitted to be sold.

Heard.

It is pertinent to mention that the Hon'ble Delhi High Court in Manjit Singh v State in Crl.M.A.No.16055/2013 has observed:

*Vehicles*

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 and 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.*

In view of the above and the submissions and reply, the application of the

applicant is allowed and he is permitted to sell out the vehicle subject to compliance of following directions:

The applicant shall produce the vehicle with the IO who shall prepare detailed panchnama mentioning the colour, make, owner and other necessary details of the vehicle and get it *attested and countersigned by the complainant and accused* and also take the colour photographs of the vehicle from different angles and get the vehicle valued from a proper valuer and take a fresh valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance

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(Nitish Kumar Sharma)

MM(03)/North East/KKD Court/Delhi

15.12.2020

Copy Received  
by Sandhya Singh  
Advocate  
En. No. D/2986/12  
15/12/20

FIR No. 157/17  
U/s 420/406/34 IPC  
PS. G.Puri  
State v Mohd. Anees

15.12.2020

Proceedings conducted through video-conferencing  
This is an application for status report

Present: Ld. APP for State.  
Applicant with counsel.

Status report/Reply filed by the IO/SI Dinesh Kumar. Same is taken on record. Same be shared with counsel for applicant.

As per report, investigation is almost complete and sometime is sought to file chargesheet.

IO is directed to file the chargesheet at the earliest.

Application stands disposed off.

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15.12.2020

FIR No. 200/20  
U/s 379/411/34 IPC  
PS. Khajuri Khas  
State v Fakhre Alam

15.12.2020

Proceedings conducted through video-conferencing  
This is a bail application u/s 437 CrPC of accused Fakhre Alam

Present: Ld. APP for State.

Ld. Counsel for accused.

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no\* fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that allegations against the accused are very serious, there is apprehension that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail. It is further submitted that accused has been previously involved in similar offences.

After considering the entire facts and circumstances of the case, including the nature of allegations involved in this case and the fact that accused has been previously involved/habitual offender, the court is of the view that accused is not entitled to the concession of bail at this stage. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to concerned Jail Superintendent for being delivered it to accused.

Copy dasti.

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