

Rashid vs. Liaqat

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Fresh complaint u/s 200 Cr. P.C alongwith an application u/s 156 (3) Cr. P.C. has been received through Ld. Duty MM Sh. Harun Pratap. It be checked and registered.

Present: Ld. Counsel for complainant/applicant.

I have perused the complaint filed u/s 200 Cr. P.C. and separate application filed u/s 156 (3) Cr. P.C.

Let ATR be called from SHO PS concerned for 27.07.2020.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 99/2020
PS Gandhi Nagar
U/s 379/356/34 IPC

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/owner of vehicle bearing No. DL-5SAT-2170.

An application for release of vehicle bearing registration no. DL-5SAT-2170. on superdari has been moved by the applicant Aslam.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL-5SAT-2170** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 257/2020
PS Mayur Vihar
U/s 392/397/34 IPC

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/owner of vehicle bearing No. DL-10SQ-6638.

An application for release of vehicle bearing registration no. DL-10SQ-6638 on superdari has been moved by the applicant Ruby.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL-10SQ-6638** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

e-FIR No.000265/2019
PS Gandhi Nagar
U/s 379/411 IPS
State vs. Chand

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/accused through VC.

An application u/sec. 437 Cr.P.C. for the release of the accused Chand on bail is moved by his Ld. Counsel.

Both the sides are heard on the application.

Considering the fact that the case property has already been recovered and the judicial custody of the accused is not required for any purpose, the application in hands stands allowed.

The accused is directed to be released on bail on furnishing of his personal bond in a sum of Rs. 20,000/- with one surety of like amount. It is further directed that the accused shall not tamper with or try to influence the prosecution witnesses in any manner after his release.

Copy of the order be given dasti on request.

Application is disposed off accordingly.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 336/2020
PS Mayur Vihar
U/s 279/323/341 IPC

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/owner of vehicle bearing No. DL-2CAM-5474.

An application for release of vehicle bearing registration no. DL-2CAM-5474 on superdari has been moved by the applicant Yashpal Kwatra.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL- 2CAM-5474** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 52/2020
PS Mayur Vihar
U/s 279/337 IPC

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/owner of vehicle bearing No. DL-7SBS-3716.

An application for release of vehicle bearing registration no. DL-7SBS-3716. on superdari has been moved by the applicant Meenakshi.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL-7SBS-3716**. can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 358/2020
PS Mayur Vihar
U/s 33/38 Delhi Excise Act
State vs. Manhar @ Tinku

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/accused through VC.

An application u/sec. 437 Cr.P.C. for the release of the accused Manhar @ Tinku on bail is moved by his Ld. Counsel.

Both the sides are heard on the application.

Considering the fact that the case property has already been recovered and the judicial custody of the accused is not required for any purpose, the application in hands stands allowed.

The accused is directed to be released on bail on furnishing of his personal bond in a sum of Rs. 30,000/- with one surety of like amount. It is further directed that the accused shall not tamper with or try to influence the prosecution witnesses in any manner after his release.

Copy of the order be given dasti on request.

Application is disposed off accordingly.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

FIR No. 203/2020
PS Gandhi Nagar
U/s 279/337 IPC

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Present: Ld. APP for the State.

Ld. Counsel for applicant/owner of vehicle bearing No. DL-6SBB-5996.

An application for release of vehicle bearing registration no. DL-6SBB-5996 on superdari has been moved by the applicant Jyoti Kashyap.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL- 6SBB-5996** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

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(Balwinder Singh)
MM (East)/KKD/Delhi/18.07.2020

Mobin vs State (NCT of Delhi and Ors

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP.

Fresh complaint u/s 200 Cr. P.C alongwith an application u/s 156 (3) Cr. P.C. has been received through Ld. Duty MM. It be checked and registered.

Present: Ld. Counsel for complainant/applicant.

I have perused the complaint filed u/s 200 Cr. P.C. and separate application filed u/s 156 (3) Cr. P.C.

I have also perused status report/ATR filed by the IO.

Put up for arguments on application u/s 156 (3) Cr. PC on 28.07.2020.

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FIR No. 789/15
PS Mayur Vihar

18.07.2020

The present application is taken up for hearing through VC through CISCO WEBEX APP. Case file is also taken up today

Present: Ld. APP for the State.

Ld. Counsel for applicant.

This is an application for cancellation of Superdari of vehicle bearing No. DL-4CN-7493.

IO/SI Narayan Dev has filed reply to the application wherein he has stated that vehicle has been released on superdari to the owner of vehicle and the charge sheet has already been filed in the court. IO has no objection if the application for cancellation of superdarinama is allowed.

I have heard submissions on application and perused the case record.

Perusal of the case file shows that though the present matter is at the stage of PE, however, IO has already filed photographs of aforesaid vehicle alongwith the panchnama in the court file. The vehicle is stated to be 18 years old.

Considering these facts, reasons and the judgment of Hon'ble Supreme Court titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638 and judgment of Hon'ble High Court of Delhi in case titled as Satya Prakash Vs. State passed in Crl. Revision Petition No. 338/2009 DoD 11.10.2013**, the application is allowed.

The superdarinama of the aforesaid vehicle is cancelled and permission is granted to dispose off the same.

Copy of the order be given dasti to the applicant. Accordingly, application stands disposed off.

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