

FIR NO. 260/18
PS Mayur Vihar

02.09.2020

The present application is taken up through Cisco Webex App.

Present: APP for the State.

Accused alongwith Id. Counsel through VC.

IO SI Manoj Tomar through VC.

An application was filed on behalf of applicant / accused Gaurav for cancellation of NBWs issued against him for his failure to join the investigation.

Reply is also filed by IO.

Bot the sides are heard on the application.

Since, it is stated by applicant/accused that his failure to join the investigation was not intentional and was only owing to the reason that he never received the notice served by the IO which was served at his in laws house where he does not resides, the application in hand stands allowed, subject to the condition that the applicant / accused shall join the investigation today itself and shall visit PS Mayur Vihar and meet the IO for that purpose at 2 PM, failing which the IO shall be at liberty to take action against the accused as per law.

Application accordingly stands disposed off. Copy of this order be given dasti tot he Id. Counsel of the applicant / accused.

**BALWINDER
SINGH
(Balwinder Singh)**

Digitally signed by
BALWINDER SINGH
Location: Delhi
Date: 2020.09.02 15:21:03
+0530

MM (East)/KKD/Delhi/02.09.2020

बलविन्दर सिंह
BALWINDER SINGH
मेट्रोपोलिटन मजिस्ट्रेट
Metropolitan Magistrate
कोर्ट नं०-26
एन.ए.डी.डी. कोर्ट
Anandolema Court

State Vs.
FIR NO. 354/19
PS Mayur Vihar
U/s. 380/454 IPC

02.09.2020

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-5SAQ-7235.

An application for release of vehicle bearing registration no. DL- 5SAQ-7235 on superdari has been moved by the applicant Rizwan Ansari.

Reply is filed by the IO. As per reply, though the applicant is unable to produce any ownership proof with respect to the recovered articles, however, he has submitted an affidavit regarding the loss of bill of ownership. It is further stated that the applicant has also correctly identified the case property during TIP proceedings and till date, there is no other claimant of the case property. Hence, it is stated that IO has no objection if the case property is released on applicant on superdari subject to his executing a security bond.

Heard. Application perused.

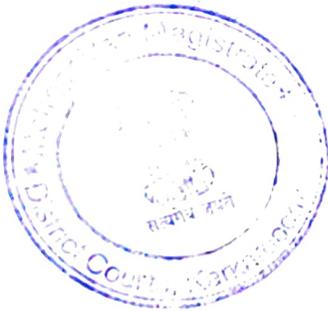
Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where case property

can be released to rightful owner, subject to execution of security bond. Accordingly, let case property be released to the applicant on execution of a security bond in a sum of Rs. 6 lakhs to be submitted before SHO/IO concerned after preparing detailed panchnama; taking photographs of the case property; valuation report and a security bond.

The photographs of the case property should be attested by the IO and countersigned by the applicant.

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.



Edr
(Balwinder Singh)
MM (East)/KKD/Delhi/02.09.2020