

FIR No. 018619/2019
PS Kalyanpuri
State Vs. Manish @ Lala
U/s 379/411/34 IPC.

Application No.10

23.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.
Counsel for the applicant/superdar.

This is an application for release of **vehicle bearing No. DL3SCV 9396** to the applicant/owner Suraj Sharma on superdari. Reply filed by the IO concerned.

Record is perused and it reveals that **applicant Suraj Sharma is the owner/rightful claimant of the vehicle bearing No. DL3SCV 9396. 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 reiterated; 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 along with 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 of** accordingly.

At request, copy of this order be given dasti.

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CMM (East), KKD, Delhi/23.08.2021

FIR No. 411/2021
PS Kalyanpuri
State Vs. Vikas
U/s 380 IPC.

Application No.7

On the basis of abovementioned misleading and dubious facts, it appears that the CCTV footage of the aforementioned date might have been removed/tampered/destroyed in order to conceal the fact that the applicant/accused had been brought to PS on 13.08.2021 as is being alleged by the counsel for applicant/accused. Such a conduct on the part of police officials, if true, cannot be tolerated and is deprecated besides it being a punishable offence of destruction of evidence. However, before forming any definite opinion on the same, an inquiry is required to be conducted in the matter qua the aforementioned fact of non-availability of CCTV footage of the said date.

Let a copy of this order be sent to the DCP concerned with direction to conduct an impartial inquiry in the matter, through an officer not below the rank of ACP, regarding true facts related to non-functioning/non-availability/tampering/destruction of CCTV footage of the PS concerned on the aforesaid date and whether it was done malafide. The inquiry shall also be conducted regarding the date since when said CCTV installed at PS was not functioning and if it was so, whether any higher police officer was informed about the same at an earlier stage or not ?

Be put up on 20.09.2021. A copy of this order be sent to the DCP concerned for necessary information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/23.08.2021



FIR No. 411/2021
PS Kalyanpuri
State Vs. Vikas
U/s 380 IPC.

Application No.7

23.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

IO/SI Amit is present through VC.

This is an application under Section 91 Cr.P.C., moved on behalf of the applicant/accused, for production of CCTV footage of PS Kalyanpuri, dated 13.08.2021 from 12.00 Non to 10.00Pm through the IO/SHO concerned.

It is informed by counsel for the applicant/accused that when she went to PS to see the CCTV footage of the said PS as was permitted by this Court on the previous date, it was found by her that no CCTV footage of the said day, was available with the PS concerned. IO/SI Amit submitted that there was some technical defect due to which there is no CCTV recording of the aforementioned date.

The Court had specifically granted permission to the counsel for applicant/accused to see the said CCTV footage in view of the allegations made by the counsel that the applicant/accused had been taken to PS on 13.08.2021 and was subsequently falsely implicated in a theft case on 14.08.2021, at the behest of complainant, due to some payment dispute with complainant. It is also to be kept in mind that despite accused being apprehended soon after the registration of FIR, no case property has been recovered from him.

Direction to show CCTV footage was given on 18.08.2021. However the Court was never informed that the CCTV footage of the said date, was not available with the PS. In fact, on 21.08.2021, SHO of the PS concerned had appeared through VC in the matter and informed that counsel for the applicant/accused could come to PS on the said date itself to see the CCTV footage. Even at that time too, it was not informed that the said CCTV footage was not available with the PS for reason mentioned above.

Page No.1/2

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FIR No.263/2021
PS Pandav Nagar
State Vs. Mohd. Khalid
U/s 379/411 IPC.

Application No. 5

23.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Kushagra Goel, LAC for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Mohd. Khalid, for grant of regular bail. Reply filed by the IO concerned.

Heard submissions from both sides.

Considering the facts and circumstances of the case, besides the fact that the applicant/accused is in JC since 28.07.2021, I deem it a fit case to grant bail to the applicant/accused. Accordingly, applicant/accused is admitted to bail on his furnishing a bail bond in the sum of Rs.15,000/- with one surety of the like amount. Applicant/accused shall abide by the conditions laid down in Section 437(3) Cr.P.C.

Present application is, accordingly, disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused on his e-mail id or whatsapp number. A copy of this order be also sent to the Jail Superintendent concerned for information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/23.08.2021

FIR No. 358/2021
PS Kalyanpuri
State Vs. Mohd. Chand
U/s 379/411 IPC.

Application No. 4

23.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

IO concerned is present through VC.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Mohd. Chand, for grant of regular bail. Reply filed by the IO concerned.

Heard submissions from both sides.

Considering the facts and circumstances of the case, besides the fact that the applicant/accused is in JC since 12.07.2021, I deem it a fit case to grant bail to the applicant/accused. Accordingly, applicant/accused is admitted to bail on his furnishing a bail bond in the sum of Rs.15,000/- with one surety of the like amount. Applicant/accused shall abide by the conditions laid down in Section 437(3) Cr.P.C.

Present application is, accordingly, disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused on his e-mail id or whatsapp number. A copy of this order be also sent to the Jail Superintendent concerned for information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/23.08.2021

FIR No. 416/2021

PS Kalyanpuri

**State Vs. Suresh @ Lucky S/o Sh. Ram Narayan
U/s 33 Delhi Excise Act.**

Application No. 3

23.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused, for grant of regular bail. Reply filed by the IO concerned.

Heard submissions from both sides.

Considering the facts and circumstances of the case, I deem it a fit case to grant bail to the applicant/accused. Accordingly, applicant/accused is admitted to bail on his furnishing a bail bond in the sum of Rs.10,000/- with one surety of the like amount. Applicant/accused shall abide by the conditions laid down in Section 437(3) Cr.P.C.

Present application is, accordingly, disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused on his e-mail id or whatsapp number. A copy of this order be also sent to the Jail Superintendent concerned for information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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