

SC no.56534/2016

State Vs.Mukesh Kumar Soni

FIR no.486/2013

PS :Tilak Nagar

u/s. 302/201/120B/34 IPC & Sec.25/27/54/59 Arms Act

06.04.2022

Present : Sh. Atul Srivastava, Ld. Special PP for the State.
Inspector Karuna Sagar, IO.
Accused Ravinder Rathi produced from Central Jail, Birsa Munda Jail Ranchi through VC.
Sh. R.P. Duggal and Sh. Surender Maul, Ld. Counsel for accused Ravinder Rathi.
Accused Rajesh Singh Lamba on interim bail with Ld. Counsel Sh. Nikhil Sharma, Ld. Proxy Counsel for Sh. Mukesh Kalia, Advocate.
Accused Abhishek Kumar produced from JC with Ld. Counsel Ms. Jagriti Jain.
Accused Rishu @ Sandeep produced from JC with Ld. Counsel Sh. Ashok Kumar Singh.
Ms. Gurjeet Kaur, Ld. Counsel for applicant Joginder Kaur Lamba.

Ld. Counsel for Joginder Kaur Lamba drawn the attention of this court towards an application u/s. 451 Cr.PC for necessary directions to dismental the vehicle bearing registration no. DL2CAN-5599 (Maruti Ritz), Chasis no. MA3FDEB1S00323010, Engine no. D13A650779, Fuel - Diesel.

I have heard Ld. Special PP, IO and Ld. Counsel for applicant as well as Ld. Counsel for other accused persons on this application.

Ld. Counsel for applicant has submitted that above numbered vehicle is of 2011 model and as per law not allowed to ply on road and further requests to give order for dis-mental of the vehicle.

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Per contra, Ld. Special PP at the outset states that State has no objection in allowing the present application and further submits that IO may be directed to take coloured photograph of the vehicle from all angle depicting the engine number and chasis number at the cost of applicant as same may be proved during evidence in view of the law laid down by the Hon'ble Supreme Court in case titled “Sunderbhai Ambalal Desai v. State of Gujarat, AIR 2003 SC 638”.

Ld. Counsel for other accused persons have also submitted that they have no objection if the present application is allowed.

In view of the given facts and circumstances and the submissions made on behalf of the parties, coupled with the fact that above registration numbered vehicle is not allowed for plying on the road as per rules, present application is allowed with the direction to IO to take necessary coloured photographs of the vehicle from all angle reflecting engine number and chasis number of the vehicle at the cost of applicant and file the same in the court on or before next date positively. Application is disposed off in above terms.

Attention of this court is also drawn towards an application pending disposal on behalf of applicant/accused Rajesh Singh Lamba for providing copy of CDs. Notice of this application served on the State. At the outset, Ld. Counsel for applicant do not want to press this application and wishes to withdraw the same.

In view of the submissions, present application is dismissed as withdrawn.

Let case be re-notified for PE on 01.06.2022.

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PW-7 Navjot Kaur be recalled for further examination, IO and MHC(M) with case property, if any, be called for next date.

Copy of this order be given dasti to all the concerned parties.

(POORAN CHAND)

ASJ-02/West/Delhi

06.04.2022