

IA No. 18/23
SC No. 17/20
FIR No. 854/19
State vs. Mohnees Javed Khan
PS New Usmanpur

10.07.2023

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Sh. Shahrukh Khan, Ld. Counsel for applicant/accused
Mohnees Javed Khan
IO/ SI Rohit Punia.

The matter is fixed for consideration on the application filed by applicant/accused Mohnees Javed Khan for seeking permission to dispose of his car I-20 bearing regn. no. DL-3C-BZ-1655.

Today, on calling the case, Ld. Counsel for accused namely Sh. Shahrukh Khan and IO/SI Ravi Punia appeared.

Heard.

Ld. Counsel for applicant/accused has submitted that the applicant/accused is the regd. owner of the abovesaid vehicle and he had taken the same on superdari after furnishing of superdarinama for an amount of Rs. 2 lakhs and submitted that the abovesaid vehicle is having diesel engine and submitted that in the area of Govt of NCT of Delhi it is not permission to ply the diesel engine vehicle after 10 years and the condition of the said vehicle has already been deteriorated and it cannot be repaired and applicant/accused is desirous to destroy the same, as he has no space for parking and the charges for the parking are exorbitant and the applicant/accused is not able to bear the same, so, the applicant/accused may be allowed to dispose of the said vehicle by way of destroying the same, so that nobody may misuse the same.

On the other hand, Ld. Addl. PP for the State has submitted that this vehicle was used in commission of offence punishable

u/s 20(b)(ii)(c)/29 of NDPS Act and submitted that applicant/accused may be directed to deposit the amount similar to the amount of superdarinama, in case, any adverse order is passed against the applicant/accused and if the applicant is ready to deposit the said amount, in such condition, then he has no objection, if this application of the applicant is allowed.

In view of above submissions made by ld. Counsels for the parties, the application of the applicant/accused Mohnes Javed Khan is allowed, the applicant/accused is allowed to dispose of the abovesaid vehicle by way of destroying the same subject to the condition that in case any adverse order is passed against this applicant/accused at the time of conclusion of trial, he will be bound to deposit an amount of Rs. 2 lakhs in the court (which is similar to the amount of superdarinama) as the original photographs of the said car and photocopies of panchnama and superdarinama have already been filed and the applicant/accused is also directed to file the photographs of this vehicle after destruction thereof alongwith an affidavit. In the abovesaid terms, the application filed by applicant/accused stands disposed of. Attested copy of this order be sent to the SHO, PS New Usmanpur. Dasti copy of this order be given to applicant/accused or his Counsel on moving this application.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/10.07.2023