

5 SC 360/2019
STATE Vs. SALMAN & ANR.
FIR No. 223/2019
PS KARAWAL NAGAR

04.01.2025

Present: Sh. Kamal Akhter, Ld. Addl. PP for the State.
Accused Salman is absent.
Accused Imran produced from JC (on bail in the present case).

On the LDOH, accused Salman was produced from JC from District Jail, Ghaziabad, since he was on bail in the present case, however he was in custody in some other case. Today, a report has been filed on behalf of concerned Jail Superintendent, District Jail, Ghaziabad to bring it to the notice of this Court that accused Salman was released from JC on 22.12.2024, after the bail order/release warrants passed by the concerned Court was received by the concerned Jail Superintendent.

PW Ruvesh Kumar/Superdar is present, after he was bound down for today. On the LDOH, PW Ruvesh Kumar/Superdar was directed to furnish the details of the person, to whom he had sold off the motorcycle bearing Registration No. DL-7SBW-6708. The superdar has submitted today that in spite of best efforts, he could not trace the details of the person to whom he had sold the said motorcycle, since he had sold the same to a mechanic and the said mechanic has already closed his shop.

Perusal of the record reflects that aforementioned motorcycle bearing Registration No. DL-7SBW-6708 was initially registered in the name of one Nasreen and as per the superdar, he had

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purchased the said motorcycle, however his name could not be transferred in the RC. The said motorcycle was released to superdar Ruvesh Kumar on furnishing the superdiginama/bond in a sum of Rs. 33,000/-, to the satisfaction of IO/SHO. The superdar was further directed vide order dated 09.07.2019 passed by the Ld. MM that he shall not part with, dispose etc., and he had to produce the same as and when required and directed by this Court.

In response to the show cause notice issued to PW Ruvesh Kumar/Superdar as to why the penalty of the bond amount of Rs. 33000/- be not imposed upon him, he has submitted that he was told by the staff of this Court that he can sell the said motorcycle, however he does not have any documentary proof or the order passed by this Court, wherein he was allowed to sell the said motorcycle, without the leave of this Court. It is quite apparent that the explanation offered by him is merely afterthought and same is devoid of any merit.

It is submitted by the superdar Ruvesh Kumar that he does not have wherewithal to pay the penalty amount as mentioned in the superdiginama and he has prayed before this Court that the said amount be waived off/reduced.

In the interest of justice, the penalty amount is reduced to Rs. 10,000/-. The penalty amount of Rs. 10,000/- is paid before this Court. Receipt duly issued by the Reader of this Court is issued to the superdar Ruvesh Kumar.

The IO was directed to take the photographs of the aforementioned motorcycle from different angles including its engine and chassis number, before releasing to the superdar. The record reflects that the originals superdiginama and the photographs were not filed by

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the IO along-with the charge-sheet.

Issue notice to the IO SI Suresh Bhatia, IO Inspector Sanjeev Kumar and IO Inspector Prakash Roy to appear before this Court on the NDOH and to clarify the status of the original photographs and superdiginama.

Accused Salman s/o Nasruddin has not appeared despite repeated calls and waiting.

Let NBW be issued against the accused Salman s/o Nasruddin and notice to his surety u/s 446 Cr.PC through IO/SHO concerned for NDOH.

Now to come up for further proceedings on **14.02.2025**.

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