

4 SC 107/2017
STATE Vs. DEEPAK
FIR No. 443 /2016
PS KARAWAL NAGAR

09.08.2024

Present: Sh. Kamal Akhter, Ld. Addl. PP for the State.
Sh. Manish Vasisth, Sh. Vishambher Pandit, Ld. Counsels
for the accused Deepak and Sonu alongwith accused
persons.
Sh. Amit Kumar, Ld. Counsel for the complainant alongwith
complainant/superdar Deepanshu.

Today the matter is fixed for PE.

Summons sent to PW IO SI Rohtas Kumar received back
duly served, however, a request has been received on his behalf seeking
exemption from personal appearance on the ground that he is appearing
before the Hon'ble High Court of Delhi in some other case.

Heard. Allowed only for today.

The complainant/superdar Deepanshu has appeared after
being granted one opportunity to produce the case property i.e. the
mobile phone released to him on superdari.

It is submitted by the complainant that he had lost the
mobile phone, which was taken by him on superdari. Upon a specific
query being put to him, the superdar has stated that he has not lodged
any complaint/e-FIR/FIR regarding the loss of the case property i.e. the
mobile phone which was released to him on superdari.

Perusal of the record reflects that vide order dated
23.01.2017, passed by the Ld. CMM, the case property i.e. the mobile
phone HTC desire, 820 was released to the complainant Deepanshu
through IO/SHO concerned. The IO was directed to prepare proper

panchnama and to take photographs of the seized phone from all the angles and to also obtain the signatures of the complainant/superdar.

The complainant has lost the case property, prior to the trial being concluded. The superdar has lost the case property and the conduct of the complainant/superdar wherein, he has not reported the said loss, does not entitle him to be shown any leniency.

Penalty of Rs. 5,000/- is imposed on the superdar Deepanshu. The penalty amount is paid.

Let fresh summons be issued to PW IO SI Rohtas Kumar and MHCM alongwith entire case property including the panchnama and photographs of the mobile phone HTC desire 820 through SHO concerned for the next date of hearing.

Now to come up for PE on **30.09.2024**.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/09.08.2024