

IA No.02/2025 & 05/2025 in SC 432/2025
State Vs. Amit Yadav Etc.
FIR No.208/2025
PS S.P. Badli
U/s 140(3)/103(1)/140(1)/142/238(A)/61/3(5) BNS

15.09.2025

Vide this common order, I am disposing off above mentioned two applications being moved by the same applicant in same case FIR number.

These are two application for release of vehicle Mahindra XUV 700 bearing registration number HR-26-ET-6400 and Maruti Suzuki Fronx bearing registration No. DL-2CBE-2826, on *superdari* moved on behalf of applicant Dhruv Yadav.

Present:- Sh. Girish Giri, Ld. Addl. PP for the State.

Sh. Rahul Parashar, Id. Counsel for the applicant.

A common reply to the present application as well as to another application filed by the same applicant, has been filed by Inspector Anand Kumar Jha PS S.P. Badli, as per which, he has no objection if the aforesaid vehicle be released to the rightful owner.

I have heard the submissions and perused the reply.

As per directions of Hon'ble Supreme Court in case titled as **“Sunder Bhai Ambalal Desai Vs. State of Gujrat”, AIR 2003 SC 638**, wherein it has been held that:

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale

thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as “**Manjit Singh Vs. State**” in **CrI. M.C. No. 4485/2013 dated 10.09.2014**.

Considering the facts and circumstances and law laid down in the above said case laws, let the vehicles in question **Mahindra XUV 700 bearing registration number HR-26-ET-6400 and Maruti Suzuki Fronx bearing registration No. DL-2CBE-2826** be released to the rightful owner on furnishing **security bond/indemnity bond as per valuation report of the vehicles**. IO is directed to get the valuation done of the vehicles prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court. The panchnama as mentioned above be also prepared. The photographs of the vehicles be taken and the cost of the photographs shall be borne by the applicant.

Panchnama, photographs and security bond/indemnity bond be furnished before the concerned SHO.

At this stage, two authority letters have been filed by accused Amit Yadav and Nitin Yadav, who have been produced from JC in court today in the present case FIR Number. They have signed

authority letters in favour of applicant Dhruv Yadav, before the court.

Accordingly, in view of the fact that authority letters filed in favour of applicant Dhruv Yadav, let the above mentioned vehicles, after all due process followed by the IO, be released to the applicant Dhruv Yadav, as per law.

Accordingly, both applications stand disposed off.

Copy of the order be given dasti to the applicant, as prayed for.

(Vandana)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
15.09.2025