

IA No.07/2024 in SC 661/2023  
State Vs. Kamal Kishore & Ors.  
FIR No. 480/2023  
PS S.P. Badli  
U/s 302/120B/201/34 IPC

06.09.2024

**This is an application seeking release of mobile phone on superdari, moved on behalf of applicant/accused Mukesh Kumar.**

Present: Ms. Promila Singh, Ld. Addl. PP for the State.

Mr. Sidhanth Kumar Singh, Id. Counsel for applicant/accused (through VC).

This is an application for release of mobile phone make I phone-13 Blue Colour, on superdari moved on behalf of applicant/accused Mukesh Kumar.

Reply to the application filed by the IO Inspector Pramendra Singh, SHO PS S.P. Badli, as per which, he has no objection if the above-mentioned mobile phone be released to the applicant/accused.

I have heard the submissions and perused the reply.

Instead of releasing the mobile phone on superdari, I am of the considered view that the mobile phone has to be released 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:

*“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 Crl. 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 above-mentioned mobile phone be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the mobile phone. IO is directed to get the valuation done of the phone 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 mobile phone be taken and the cost of the photographs shall be borne by the applicant.

Accordingly, application stands disposed off.

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

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

(Shefali Sharma)  
Addl. Sessions Judge-02(North)  
Rohini Courts Delhi  
06.09.2024