

9 Misc Crl. 1787/2026
Kashmir Lal Vs. State
FIR No. 392/2017
PS Fatehpuri Beri

27.06.2026

*The undersigned is also looking after the work of Court of Ld. JMFC Ms. Radha
Kulshreshtha as Link JMFC today.
Ahmad of this Court is on leave today.*

The present application seeking cancellation of superdari of vehicle bearing No. DL-1RN-0859 has been moved on behalf of applicant/ accused namely, Sh. Kashmir Lal.

**Present : Sh. Mukul Kumar, Ld. Substitute APP for the State.
Sh. Prince Kumar, Ld. Counsel for applicant/accused (through V.C.).**

It is submitted by Ld. Counsel for applicant/accused that the said vehicle was released to applicant/accused on superdari vide order dated 26.08.2017 of Ld. Predecessor. The applicant/accused now wants to dispose off the vehicle as the validity period of the vehicle has expired and he intends to avail the replacement / scrapping benefit scheme from the concerned Transport Authority. So he has prayed for cancellation of superdarinama of the said vehicle.

I have heard submissions on application and perused the case record. **In Sunderbhai Ambalal Desai & Ors. v. State of Gujarat AIR 2003 SC 638** it was held by Hon'ble Supreme court that:- "In our view, the powers under Section [451](#) Cr.P.C. should be exercised expeditiously and judiciously. It would serve various purposes, namely:--

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation;

2. *****

3. If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial."

Further in **General Insurance Council & Ors. Vs. State Of A.P. & Ors. 2010 CriLJ 2883** it was held that the photographs of the vehicle may be used as secondary evidence instead of physical production of the vehicle.

It is an admitted fact that the vehicle shall be subject to natural wear and tear and applicant will have to bear the cost of maintenance of vehicle. It is further stated that the validity period of said vehicle has expired. Considering the peculiar facts, in my opinion, it would serve the interest of justice if the present application is allowed. But before the superdar is given permission to dispose off his vehicle after cancellation of superdarinama, he shall have to produce the vehicle before the IO, who shall take the photographs of the vehicle from different angles (which shall be self attested by the superdar) and prepare a detailed panchnama and place it on judicial file. The photographs shall be self attested by applicant.

Application stands disposed of with above observations.

Copy of order be given *dasti* to Ld. Counsel for the applicant/accused, as prayed.

(SHIVLI TALWAR)
JMFC-01/South/Saket Court/Delhi/27.06.2026