

MISC CRL/145/2026

SHUBHAM GUPTA Vs. STATE THROUGH CONCERN SHO PS FARSH BAZAR
0006/2026 (FarshBazar)

28.01.2026

Present: Sh. Ratnesh Kumar Gupta, Ld. Addl. PP for the State.
Sh. Pradeep Kumar Gautam, Ld. Counsel for applicant.

A Superdari Application has been moved on behalf of applicant to release the vehicle bearing no. **DL3CCP-9283** on superdari.

Report of the Investigating Officer perused.

It is reported by the IO that the mechanical inspection of the vehicle has been done.

It is seen that the offending vehicle is not insured at the time of offence.

Rules 6 of the Delhi Motor Accidental Claims Tribunal Rules 2008 notified on 13.07.2009 by the Govt. of NCT of Delhi is as follows:

"The uninsured motor vehicles involved in the accident and the vehicles in respect of which registered owner fails to furnish copy of the insurance policy despite demand by the investigating officer not to be released by any Court unless the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in the motor accident claims."

The same has also been observed by Hon'ble Delhi High Court in **Rajesh Tyagi and Ors v. Jaibir Singh and Ors FAO 842/2003** wherein the court has observed that:

"If the vehicle is not insured, the vehicle shall be released on superdari only after the owner furnishes sufficient security to the satisfaction of the Court to pay the compensation or at least equal to the value of the vehicle."

As the vehicle is not required for the purpose of investigation, no useful purpose is to be served to keep the vehicle in *Malkhana*.

Since the vehicle is not insured, hence, as per MACT Rules, the applicant/owner, is directed to deposit the amount of Rs. 50,000/- in the form of FDR in the

name of Court i.e. 'JMFC- 02, Shahdara District, New Delhi'. FD furnished. Be taken on record.

In these circumstances the aforesaid vehicle be released to the applicant/registered owner in compliance of judgment of Hon'ble Delhi High Court in *Manjeet Singh Vs State (Crl. M.C. No. 4485/2013 and Crl. M.C. No.16055/2013)* subject to the following conditions:

1. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer as per rule;
2. Vehicle in question be released to its applicant/registered owner only subject to furnishing of security bond/indemnity bond as per valuation report to the satisfaction of the concerned IO/SHO.
3. That the applicant/owner shall produce the vehicle before the IO/Court as and when directed to do so.
4. That the applicant/owner shall join the investigation as and when directed to do so.
5. That the applicant/owner shall not dispose off the same to the third party without the permission of the Court.
6. The Investigating Officer is directed to ensure the identity and address of the applicant/owner before releasing the above said vehicle. Photograph of the vehicle bearing engine and chassis number be kept by the IO and shall be filed with the final report as and when the same is filed. IO is directed to get entered the *superdari* into the record of the concerned Road Transport Authority.

Copy of order be sent to SHO/IO concerned for information and compliance.

Copy of the order be given dasti to the applicant.

(AKHIL MALIK)
JMFC-02/SHD/KKD COURTS
DELHI/28.01.2026