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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2180/2016**

NARESH KUMAR Petitioner
Through **Mr. Rohit Goel, Adv.**

versus

STATE Respondent
Through **Ms. Meenakshi Dahiya, APP**

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **13.09.2017**

Truck No.GJ-12Y-7689 (case property) in FIR No.290/2011 registered at Police Station Sarai Rohilla was released to the petitioner on superdari, subject to his furnishing sapurdaginama in the sum of ₹5 lacs and with the condition that he shall produce the truck as and when required before the trial court. During the trial, petitioner had failed to produce the truck in Court and consequently vide order dated 17th May, 2016 trial court directed the petitioner to deposit the amount involved in the superdari bond.

Learned counsel for the petitioner submits that truck is not in running condition and is converted to junk. Therefore, it cannot be brought to Delhi from Ahemdabad. Accordingly, application was filed for recalling the order dated 1st February, 2016 vide which penalty was imposed but the same was dismissed.

Truck was released on superdari 6 years ago. It is old truck plea taken in the petition is a plausible plea. Trial court could not have imposed full

amount disclosed in the bond. Vide order passed by my learned predecessor, petitioner was directed to deposit ₹3 lacs. Keeping in view the totality of circumstances, the penalty imposed is reduced to ₹3 lacs from ₹5 lacs. ₹3 lacs is stated to have been deposited before the trial court pursuant to order dated 18th October, 2016 passed by this Court.

The petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J

SEPTEMBER 13, 2017

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