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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9076/2024**

AJAY KUMAR DIXIT

.....Petitioner

Through: Mr.Anil Goel, Mr.Aditya Goel &
Mr.Chanchal Sharma, Advocates
(Through VC)

versus

STATE/NCT OF DELHI

.....Respondent

Through: Mr.Hemant Mehla, APP for the State
alongwith SI Ravi Shankar, P.S.-
Ashok Vihar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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13.12.2024

CRL.M.A. 34803/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 9076/2024 & CRL.M.A. 34802/2024 (interim directions)

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking modification of the impugned order dated 19.10.2024 passed by the learned Trial Court, wherein the learned JMFC 02, Rohini Courts, New Delhi, (North West), ordered the release of the vehicle to the petitioner i.e. its registered owner, subject to furnishing of an FDR in the name of Principal District & Sessions Judge, North West, Rohini District Courts, to the tune of last insurance value of the vehicle in the insurance documents to the satisfaction of the concerned SHO/IO.



2. Learned counsel for the petitioner submits that the last insurance value of the vehicle was Rs.17,50,000/-. It is submitted that the furnishing of the FDR to such amount is very onerous and the order releasing the vehicle i.e. the crane, shall be frustrated. It is further submitted that the vehicle i.e. the crane is the only source of income for the petitioner.
3. Issue notice. Learned APP accepts notice and submits that the learned Trial Court has passed the order taking into account the facts and circumstances. The vehicle in question was seized in relation to the investigation of a case under Sections 281/125(b) of the BNS registered at Police Station Ashok Vihar, Delhi. The said crane was uninsured at the time of the incident.
4. This Court finds that the condition of furnishing an FDR equivalent to the value of the vehicle, i.e., the crane, is overly onerous and may ultimately frustrate the implementation of the impugned order of the learned Trial Court. Taking into account the facts and circumstances, let the vehicle i.e. the Crane bearing No. HR-51-CH-7636 be released to the petitioner on furnishing of an indemnity bond and an affidavit stating therein the said vehicle shall not be taken beyond the jurisdiction of the NCT and shall not be assigned transferred to the third party without the permission of the Court and shall be made available for production/inspection at any time ordered by the Court.
5. With the aforesaid direction, the petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 13, 2024/Dy/na..