

08.03.2022

Fresh case received by way of assignment. It be checked and registered.

Present: Sh. Girish Giri, Ld. Addl. P.P. for the State.

Sh. Naveen Panwar, Ld. Counsel for the petitioner.

Submissions heard. Record perused.

A very short point is involved int the present petition. As per the petition, the petitioner is an accused in case FIR No.180/21. The petitioner initially approached the Ld. Trial Court with an application for release of mobile phone alongwith a sim card. The said application was dismissed by Ld. Trial Court vide order dated 10.02.2022 with the observations "since the article in question is a case property and has been sent for forensic examination, the same cannot be released on superdari at this stage."

The petitioner then moved another application dated 11.02.2022 before Ld. Trial Court, this time seeking a permission to get issued another sim card for the mobile No. from the service provider. This application was dismissed by Ld. Trial Court vide the impugned order dated 17.02.2022 with the observations that allowing the said application would tantamount to allowing the superdari application (that was earlier dismissed).

It is submitted by Ld. Counsel that issuance of a duplicate sim for the same mobile No. is not prejudicial to the investigation or to the trial. The FSL is going to give its report based on the sim already seized by the IO and a duplicate sim cannot influence the FSL result. It is submitted that the mobile No. of the petitioner are linked with his bank

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account, school of the children, customers etc. and he is facing great hardship. It is submitted that the Ld. Trial Court did not appreciate that the applicant was not seeking superdari of the sim card but was seeking issuance of a duplicate sim and Ld. Trial Court committed a grave error in the impugned order.

I have perused the copies of the order filed with the petition. I have also perused the application dated 11.02.2022, on which the impugned order dated 17.02.2022 was passed. The applicant was not seeking the superdari of sim card but was seeking permission for issuance of a sim card. The Ld. Trial Court fell into error while equating this application with a superdari application. Even the superdari application was disallowed only on the ground that the article sought to be released was sent to FSL and Ld. Trial Court did not express any other impediment in release of the said article on superdari. The charge-sheet is stated to have been filed. The FSL result will take its own time. Issuance of a duplicate sim is not going to have any bearing on the FSL result or on the trial.

In view of the discussion made herein above, the revision petition is allowed. The impugned order dated 17.02.2022 is set aside. Permission is granted to the petitioner to get issued a duplicate sim in respect of Mobile No. **7217816262 & 8130498652**.

Copy of this order be sent to the concerned Ld. Trial Court. File be consigned to record room. Copy of order be given dasti.




Neeraj Gaur
ASJ-05/North-West District
Rohini Courts/Delhi/08.03.2022
Rohini Court, Delhi

श्री नीरज गौड़
SH NEERAJ GAUR
अतिरिक्त सत्र न्यायाधीश-05 (उत्तर-पश्चिम दिवस)
Additional Sessions Judge-05 (North-West District)
कमरा संख्या 309, तृतीय तह
Room No. 309, 3rd Floor
हिन्दू न्यायालय रोडिनी, दिल्ली
District Courts Rohini, Delhi

Fresh Revision petition
Amit Dua Vs. State
PS Crime Branch
Mobile No. 8901497999 & 8059597999

08.03.2022

Fresh case received by way of assignment. It be checked and registered.

Present: Sh. Girish Giri, Ld. Addl. P.P. for the State.

Sh. Naveen Panwar, Ld. Counsel for the petitioner.

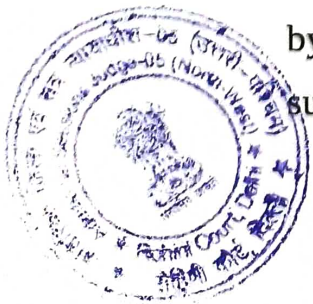
Submissions heard. Record perused.

A very short point is involved int the present petition. As per the petition, the petitioner is an accused in case FIR No.180/21. The petitioner initially approached the Ld. Trial Court with an application for release of mobile phone alongwith a sim card. The said application was dismissed by Ld. Trial Court vide order dated 10.02.2022 with the observations "since the article in question is a case property and has been sent for forensic examination, the same cannot be released on superdari at this stage."

The petitioner then moved another application dated 11.02.2022 before Ld. Trial Court, this time seeking a permission to get issued another sim card for the mobile No. from the service provider. This application was dismissed by Ld. Trial Court vide the impugned order dated 17.02.2022 with the observations that allowing the said application would tantamount to allowing the superdari application (that was earlier dismissed).

It is submitted by Ld. Counsel that issuance of a duplicate sim for the same mobile No. is not prejudicial to the investigation or to the trial. The FSL is going to give its report based on the sim already seized by the IO and a duplicate sim cannot influence the FSL result. It is submitted that the mobile No. of the petitioner are linked with his bank

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account, school of the children, customers etc. and he is facing great hardship. It is submitted that the Ld. Trial Court did not appreciate that the applicant was not seeking superdari of the sim card but was seeking issuance of a duplicate sim and Ld. Trial Court committed a grave error in the impugned order.

I have perused the copies of the order filed with the petition. I have also perused the application dated 11.02.2022, on which the impugned order dated 17.02.2022 was passed. The applicant was not seeking the superdari of sim card but was seeking permission for issuance of a sim card. The Ld. Trial Court fell into error while equating this application with a superdari application. Even the superdari application was disallowed only on the ground that the article sought to be released was sent to FSL and Ld. Trial Court did not express any other impediment in release of the said article on superdari. The charge-sheet is stated to have been filed. The FSL result will take its own time. Issuance of a duplicate sim is not going to have any bearing on the FSL result or on the trial.

In view of the discussion made herein above, the revision petition is allowed. The impugned order dated 17.02.2022 is set aside. Permission is granted to the petitioner to get issued a duplicate sim in respect of mobile No. **8901497999 & 8059597999**.

Copy of this order be sent to the concerned Ld. Trial Court. File be consigned to record room. Copy of order be given dasti.




(Neeraj Gaur)
Additional Sessions Judge-05 (North-West District)
Rohini Courts, Delhi
08.03.2022

श्री नीरज गौड़
SH NEERAJ GAUR
अतिरिक्त सत्र न्यायाधीश-05 (उत्तरी-पश्चिम जिला)
Additional Sessions Judge-05 (North-West District)
कमरा संख्या 309, तृतीय तल
Room No. 309, 3rd Floor
जिला न्यायालय रोहिणी, दिल्ली
District Court Rohini, Delhi

Fresh Revision petition
Saddam Hussain Vs. State
PS Crime Branch
Mobile No. 9128801023

08.03.2022

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Present: Sh. Girish Giri, Ld. Addl. P.P. for the State.

Sh. Naveen Panwar, Ld. Counsel for the petitioner.

Submissions heard. Record perused.

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It is submitted by Ld. Counsel that issuance of a duplicate sim for the same mobile No. is not prejudicial to the investigation or to the trial. The FSL is going to give its report based on the sim already seized by the IO and a duplicate sim cannot influence the FSL result. It is submitted that the mobile No. of the petitioner are linked with his bank

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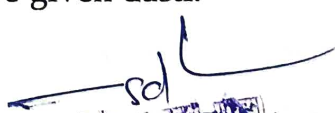
account, school of the children, customers etc. and he is facing great hardship. It is submitted that the Ld. Trial Court did not appreciate that the applicant was not seeking superdari of the sim card but was seeking issuance of a duplicate sim and Ld. Trial Court committed a grave error in the impugned order.

I have perused the copies of the order filed with the petition. I have also perused the application dated 11.02.2022, on which the impugned order dated 17.02.2022 was passed. The applicant was not seeking the superdari of sim card but was seeking permission for issuance of a sim card. The Ld. Trial Court fell into error while equating this application with a superdari application. Even the superdari application was disallowed only on the ground that the article sought to be released was sent to FSL and Ld. Trial Court did not express any other impediment in release of the said article on superdari. The charge-sheet is stated to have been filed. The FSL result will take its own time. Issuance of a duplicate sim is not going to have any bearing on the FSL result or on the trial.

In view of the discussion made herein above, the revision petition is allowed. The impugned order dated 17.02.2022 is set aside. Permission is granted to the petitioner to get issued a duplicate sim in respect of mobile No. **9128801023**.

Copy of this order be sent to the concerned Ld. Trial Court. File be consigned to record room. Copy of order be given dasti.




(Neeraaj Gaur)
ASJ-05/North West District
Rohini Courts, Delhi/08.03.2022
Rohini Court, Delhi

08.03.2022

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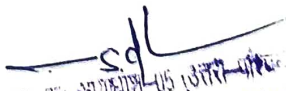
submitted that the mobile No. of the petitioner are linked with his bank account, school of the children, customers etc. and he is facing great hardship. It is submitted that the Ld. Trial Court did not appreciate that the applicant was not seeking superdari of the sim card but was seeking issuance of a duplicate sim and Ld. Trial Court committed a grave error in the impugned order.

I have perused the copies of the order filed with the petition. I have also perused the application dated 11.02.2022, on which the impugned order dated 17.02.2022 was passed. The applicant was not seeking the superdari of sim card but was seeking permission for issuance of a sim card. The Ld. Trial Court fell into error while equating this application with a superdari application. Even the superdari application was disallowed only on the ground that the article sought to be released was sent to FSL and Ld. Trial Court did not express any other impediment in release of the said article on superdari. The charge-sheet is stated to have been filed. The FSL result will take its own time. Issuance of a duplicate sim is not going to have any bearing on the FSL result or on the trial.

In view of the discussion made herein above, the revision petition is allowed. The impugned order dated 17.02.2022 is set aside. Permission is granted to the petitioner to get issued a duplicate sim in respect of mobile No. **8758623097**.

Copy of this order be sent to the concerned Ld. Trial Court. File be consigned to record room. Copy of order be given dasti.




(Neeraj Gaur)
ASJ-05 North-West District
Rohini Courts/Delhi/08.03.2022