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

% ***Date of Decision : 23.11.2026***

\# **CNR No.DLHC010996162025**

\+ **CRL.REV.P. 520/2025**

HDFC BANK LIMITED .....Petitioner

Through: Mr. Manish Verma, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. .....Respondents

Through: Ms. Priyanka Dalal, APP for the State.
Insp. Sanjay Kaushik, NR-1, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

CRL.M.A. 36253/2026 (on behalf of the petitioner for early hearing)

1. This is an application seeking early hearing.

2. Considering the averments made in the application, the same is allowed; accordingly, CRL.REV.P. 520/2025 is taken up for hearing and disposal today itself.

3. The application stands disposed of.

CRL.REV.P. 520/2025

4. By way of the present revision petition filed under Section 442 read with Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "*BNSS*"), the petitioner assails the order dated 12.09.2025,

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passed by the learned Additional Sessions Judge (FTC)-02, South District, Saket Courts, New Delhi, in the case arising out of FIR No. 148/2022 (P.S. Crime Branch), wherein the application of the petitioner seeking permission to sell the vehicle, *i.e.*, Hyundai Creta 1.5 SX(O) IVT (Registration No. DL7CU8299, Engine No. G4FLNV443960, and Chassis No. MALPC812TNM428824), came to be dismissed.

5. The aforesaid FIR, filed under Sections 370/419/420/464/466/467/468/471/474/109/120B/34 of the Indian Penal Code, 1860, Sections 3/4/5 of the Immoral Traffic (Prevention) Act, 1956, and Section 14 of the Foreigners Act, 1946, alleges that foreign women, primarily from Uzbekistan, were being trafficked into Delhi and forced into prostitution, and the passports of the concerned victims were found in the aforesaid vehicle.

6. Respondent no. 2, who is one of the accused in the aforesaid FIR, is the registered owner of the aforesaid vehicle/car, which was purchased by him with an auto loan advanced by the petitioner *vide* Loan Account No. 137050187.

7. The vehicle was released to the petitioner on superdari *vide* order dated 09.12.2024 in Sessions Case (SC) No. 26/2023. The said order records that neither the concerned Investigating Officer (IO) nor respondent no. 2 herein had any objection to the vehicle being released to the petitioner herein. Since then, the vehicle has remained in the possession of the petitioner and is stated to be lying parked in a yard maintained for the petitioner by M/s Gurmukh Dass and Sons, Delhi-110092.

8. Thereafter, the application was filed by the petitioner, seeking permission from the learned trial Court to sell the vehicle. In reply to the

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aforesaid application, the IO had "*no objection in sale of the car*" and pleaded that "*directions may please be issued to the new owner to produce the car, if the same will be required by the trial court*". The learned trial Court dismissed the application *vide* the impugned order, while observing as under:

> *"6. The vehicle in question is case property in FIR No. 148/2022 PS Crime Branch Delhi.* ***As per the report of the IO, even the panchnama of the vehicle has not been made as the accused has refused to sign on the same. Therefore, at this juncture any direction to sell the case property when the evidence in the main case is yet to be recorded might affect the trial proceedings.***
> *7. Therefore in view of the same, I do not deem it appropriate to grant permission to the Bank to sell the vehicle.*"
>
> (emphasis supplied)

9. Section 497 of the BNSS [corresponding to Section 451 of the Code of Criminal Procedure, 1973 (hereinafter "*CrPC*")], dealing with both the custody and disposal of property pending trial, reads as follows:

> "***497. Order for custody and disposal of property pending trial in certain cases.****—(1) When any property is produced before any Criminal Court or the Magistrate empowered to take cognizance or commit the case for trial* ***during any investigation, inquiry or trial, the Court or the Magistrate may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court or the Magistrate may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.***
>
> *Explanation.—For the purposes of this section, "property" includes—*
>
> *(a) property of any kind or document which is produced before the Court or which is in its custody;*
>
> *(b)* ***any property regarding which an offence appears to***

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have been committed or which appears to have been used for the commission of any offence.

(2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide.

(3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1).

(4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter."

(emphasis supplied)

10. Upon the bare reading of the aforesaid Section, it is evident that the Court may make orders for proper custody of property produced before it pending trial, and where such property is subject to speedy and natural decay or if it is otherwise expedient to do so, the Court of Magistrate may order it to be sold or otherwise disposed of. The same provision contemplates a statement of the property containing its description, as well as photographs and, if necessary, videography. That record may be used as evidence in the trial.

11. The apex Court in ***Basavva Kom Dyamangouda Patil v. State of Mysore,* (1977) 4 SCC 358**, *inter alia*, observed as follows:

"*4.* ***The object and scheme of the various provisions of the Code appear to be that where the property which has been the subject-***

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matter of an offence is seized by the police it ought not to be retained in the custody of the Court or of the police for any time longer than what is absolutely necessary. As the seizure of the property by the police amounts to a clear entrustment of the property to a government servant, the idea is that the property should be restored to the original owner after the necessity to retain it ceases. *It is manifest that there may be two stages when the property may be returned to the owner. In the first place it may be returned during any inquiry or trial. This may particularly be necessary where the property concerned is subject to speedy or natural decay.* ***There may be other compelling reasons also which may justify the disposal of the property to the owner or otherwise in the interest of justice. The High Court and the Sessions Judge proceeded on the footing that one of the essential requirements of the Code is that the articles concerned must be produced before the Court or should be in its custody. The object of the Code seems to be that any property which is in the control of the Court either directly or indirectly should be disposed of by the Court and a just and proper order should be passed by the Court regarding its disposal.*** *In a criminal case, the police always acts under the direct control of the Court and has to take orders from it at every stage of an inquiry or trial. In this broad sense, therefore, the Court exercises an overall control on the actions of the police officers in every case where it has taken cognizance.*"

(emphasis supplied)

12. Further, the Supreme Court in ***Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283**, opined that Section 451 of the CrPC, should be exercised in the following manner:

"*7. In our view, the powers under Section 451 CrPC* ***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. ***court or the police would not be required to keep the article in safe custody****;*

3. ***if the proper panchnama before handing over possession of the article is prepared, that can be used in evidence instead of its***

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production before the court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail*; and*

4. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles."

(emphasis supplied)

13. In ***General Insurance Council v. State of A.P.,*** **(2010) 6 SCC 768**, the Supreme Court observed as under:

"*14. It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only do they occupy substantial space in the police stations* ***but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its roadworthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road.*** *To avoid all this, apart from the aforesaid directions issued hereinabove, we direct that all the State Governments/Union Territories/Director Generals of Police shall ensure macro implementation of the statutory provisions and further direct that the activities of each and every police station, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the division/Commissioner of Police concerned of the cities/Superintendent of Police concerned of the district concerned.*"

(emphasis supplied)

14. On similar lines, a Coordinate Bench of this Court in ***Manjit Singh v. State,*** **2014 SCC OnLine Del 4652**, while dealing with an application under Section 451 of the CrPC, observed as follows:

"*68.* ***Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle; valuation report; and a security bond.***

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69. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. ***The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.***

71. ***Return of vehicles and permission for sale thereof should be the general norm rather than the exception.***

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction."

(emphasis supplied)

15. Another Coordinate Bench of this Court in ***Leena Paulose v. Enforcement Directorate,*** **2024 SCC OnLine Del 4815**, observed as under:

"*43.* ***This Court is further of the opinion that vehicles are inherently subject to natural decay and depreciation over a period of time, which significantly impacts their value and functionality. With the passage of time, vehicles undergo wear and tear. Further, storing a vehicle in a container warehouse, as in the present case, for a long period of time results in decay since if a car is left stationary for years, several issues can compromise its condition. Environmental factors such as weather conditions also contribute to this decay, causing issues such as rust and corrosion. Rust, in particular, can severely damage a vehicle's structure and all other components.*** *Moreover, mechanical components of a vehicle also suffer from decay, requiring frequent and expensive maintenance to keep the vehicle operational, especially in the present case, where the vehicles involved are 26 high-end luxury cars such as Rolls Royce, Ferrari, Range Rover etc. The upkeep and maintenance of the same is also expensive. In container warehouses, the care and protection cars require, from environmental onslaughts and decay due to rusting, cannot be ensured.*

44. ***The depreciation of vehicles is also a well-recognized phenomenon in the automobile industry. From the moment a car***

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is driven out of the showroom, its value begins to decrease. This depreciation accelerates with each passing year, and the resale value drops substantially. After some years, most vehicles lose a significant part of their original value, making them less economically viable to maintain or sell."

(emphasis supplied)

16. In the present case, it is evident that the subject vehicle is lying idle for at least two (2) years. As per several valuation reports placed on record, the vehicle has almost lost 47% of its value in a period of eighteen (18) months. The said reports are tabulated as under:-

S. No.	***Date of Valuation Report***	***Value of the Vehicle***	***Decline in Value Since Previous Date***	***Decline Since 23.01.2025***
1.	23.01.2025	₹ 10,15,000/-	-	-
2.	22.08.2025	₹ 8,85,000/-	12.81%	12.81%
3.	03.02.2026	₹ 6,25,000/-	29.38%	38.42%
4.	08.08.2026	₹ 5,35,000/-	14.40%	47.29%

17. It is noted that, apart from the constant drop in the valuation, the following remarks have been made in the latest two valuation reports:

a. **Valuation Report (03.02.2026):** "*Police case vehicle FIR, vehicle stop very long time not in running condition bad condition car*"; and

b. **Valuation Report (08.08.2026):** "*Black listed car, dusty condition car, vehicle stop long time, bad condition car*".

18. Further, the trial proceedings do not require the vehicle itself

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inasmuch as the vehicle is not the subject of the offence. The vehicle was recovered from the main accused and the passports of the victims were found in it. A detailed *panchnama*, photographs, and videography will serve as sufficient evidence during the trial.

19. Considering the circumstances, the following directions are issued:

a. The petitioner/bank shall produce the vehicle before the Investigating Officer (IO) within a period of one week;

b. The concerned IO shall prepare a detailed *panchnama* with photographs from all angles and videography in the presence of the counsel/representative of respondent no. 2. A copy thereof shall be filed before the trial Court;

c. The sale shall not take place for three weeks after the *punchnama* is prepared. The petitioner/bank shall sell the vehicle through public auction or other transparent process; and

d. The IO shall issue necessary No Objection Certificate (NOC) to the Registering Authority for the transfer of registration to the purchaser. The sale proceeds shall be credited to the concerned Loan Account.

20. The petition is disposed of in the above terms.

21. The date already fixed, *i.e.*, 19.01.2027, stands cancelled.

SACHIN DATTA, J

NOVEMBER 23, 2026/r,vk

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