

CHANDIGARH ADMINISTRATION
POLICE DEPARTMENT

Standing Order No. 50 | 2011

Subject: Criminal Revision No. 1680 of 2011 titled as Satnam Singh V/S State of Punjab.

The vehicles which are involved in the crimes or accident taken in custody by the Police are kept in Police Stations for a long period and sometimes for years together. These are converted into junk. Even a well maintained vehicle loses its road worthiness, if it is kept stationed in the Police Station for a longtime and converted into junk. The Hon'ble Supreme Court of India has issued directions for early disposal of recovered/seized vehicles in writ petition(c) No. 14 of 2008. Copy of which is enclosed.

1. Normally the vehicles are seized/taken into possession by the Police under the following law/Act: -

- (i) Accident cases.
- (ii) Theft cases.
- (iii) Other IPC cases.
- (iv) Local & Special Law cases.
- (v) Under Section 25 Police Act.
- (vi) Under Section 102 Cr.P.C.

(2)

2. Majority of the vehicles is taken on *Superdari* by their owners, except where the owner is unknown/untraceable or cases in which the owner has already claimed insurance. In all such cases, the following procedure should be adopted to dispose off the vehicles: -

(a) Information with regard to vehicles insured in the country is available with the Insurance Information Bureau set up by the Insurance Regulatory and Development Authority (IRDA). The Insurance Information Bureau has installed a toll free number (yet to be supplied by the GIC) as per the directions of the Hon'ble Supreme Court. Upon recovery/seizure of a vehicle (the insurance and ownership details of which are not known) in the Police Station, the Investigating officer shall call this toll-free number and obtain details of the Insurance Company and the owner.

(b) After ascertaining the contact details of the Insurance Company and the owner investigating officer shall inform both of them about recovery. This information may be sent by telephone, e-mail or post.

(c) After receipt of this information, the Insurance Company may apply for the release of the seized/recovered vehicle in the trial court as per law (citing the directions of the Hon'ble Supreme Court in the above-mentioned writ petition, if required).

(d) On receipt of release order of the vehicle from the court, the officer-in-charge of the Police Station, or an officer deputed by him in this behalf, shall prepare a detailed memo in the presence of the representative of the Insurance Company concerned. The memo will contain the following details: -

- (i) Type of vehicle, its make, model and colour.
- (ii) Engine Number.
- (iii) Chassis Number.
- (iv) Registration Number.

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- (v) Description of electronic or other accessories fitted in the vehicle.
- (vi) Tracing of Engine No. & Chassis Number (to capture the imprint thereof).
- (vii) Name of the owner and address as per the Registration Certificate, alongwith his contact details.
- (viii) Name and address of the Insurance Company.
- (ix) Name and address of the Insurance Company's representative.

The memo will be signed by the Police officer, who has prepared the memo and the representative of the Insurance Company.

(e) The vehicle will be photographed from all sides as well as from the interior. The photographs will capture the make, model, colour, Registration number, Engine number and Chassis Number. In case of accident, all points of impact should be photographed, to be able to fully prove the nature and extent of the damage. In case of IPC crimes, which have allegedly occurred inside the vehicle, sufficient number of photographs of the relevant portion of the interior of the vehicle will be taken.

(f) In addition to photography, videography will also be done carefully capturing all details as mentioned above.

(g) Digital copy of the photographs and the video footage shall be preserved in two CDs, one of which will be placed in the case file or the trail court and other copy will be preserved in the Police Station. Hard copy of the photographs shall be got printed and submitted in trail court as secondary evidence, alongwith a report regarding release of the vehicles. The CDS containing photographs and video file shall be preserved for two years after the completion of the trail proceedings or disposal of subsequent appeals, whichever is earlier.

(4)

(h) If any vehicle is also a case property in any other case, in the same Police Station or elsewhere, same procedure shall be followed in every case and a detailed panchnama, photography and videography will be prepared which may be used as secondary evidence during the trial with a view to dispense with the physical production of the vehicle during trial.

(j) After completing the documentation as above and fulfilling all other terms and conditions of the release order, the vehicle shall be released to the concerned after noting his contact details and taking his signature in the register as per **Annexure-A**. No vehicle shall be released unless the required documentation as described above has been completed in every aspect. The entire process form preparation of memo, photography and videography will be completed at the earliest and in no case later than 15 days from the date release order or the request received from the representative of the Insurance Company, whichever is later.

3. In case where the vehicle is not claimed by the accused, owner, the Insurance Company or by any third person within three months of the seizure/recovery, the I.O. through Station House Officer of the concerned Police Station shall apply to the Magistrate in whose court the trial is pending, or to whom its seizure was reported, for ordering sale/auction of such vehicle in accordance with the provisions of Section 459 of the Criminal Procedure Code-1973. The directions of the Hon'ble Supreme Court in the instant case may be cited in such application, if required. On receipt of court order, immediate steps be taken for sale/auction of the seized/recovered vehicle, as per existing law, norms and guidelines.

(5)

4. Record of seized/released vehicle. Apart from entry in the Register No. 19, a separate register shall be maintained in each Police Station in the prescribed Performa (Annexure-A) to keep record of seized/recovered/impounded/unclaimed vehicles containing details of the vehicles, namely make, model, colour, engine No. and chassis No. particulars of the case in which seized/recovered: Name address & mobile number of the person from whose possession the vehicle has been seized etc. Such register shall also be maintained in the Police Posts.

5. Regarding the vehicles already seized and lying in various Police Stations, it has been decided to compile their details and send the same to all Insurance Companies to enable them to apply for the release order. The SDPOs are directed to compile information of all seized/recovered/impounded/unclaimed vehicles lying in Police Station in Excel Spreadsheet in the prescribed Performa (Annexure-B) and send the same to the DSP/Crime. The procedure for release of these vehicles shall be the same as described in para 2 and 3 above.

6. Progress report regarding seized/recovered/impounded/unclaimed vehicles shall be sent by every Police Station as part of **Weekly Crime Diary** containing the following details:-

- (i) Number of vehicles in possession of Police on the first day of the week.
- (ii) Number of vehicles seized during the week.
- (iii) Number of cases of accidents involving death or bodily injury in which report in Form No. 54 sent to the Insurance Companies and the Claims Tribunal.
- (iv) Number of the other cases in which information sent to the Insurance Companies and the owner of the vehicles.

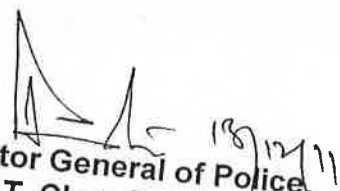
(6)

- (v) Number of vehicles released on Superdari during the week.
- (vi) Number of vehicles in possession in Police on the last day of the week.

7. It shall be necessary to inform the Ld. District and Sessions Judge, Chandigarh quarterly through SSP, Chandigarh in case the concerned Illaqua Magistrate does not allow the application/does not issue any order on the application moved by the I.O. for sale/auction of vehicle which is not claimed by the owner, accused, insurance company or by any third person within three months of the seizure/recovery of such vehicle. The Dy.S.P./Crime shall give the detail of such rejection orders/non-disposal of the said application of I.O. to the SSP, Chandigarh for the above said purpose with the assistance of A.D.A. (Legal).

8. The SSP, Chandigarh may also consider for constituting a Special Staff at the Police Station level for disposal of seized/recovered of vehicles in accordance with the directions of the Hon'ble Supreme Court who shall submit a monthly report to the SSP before the 10th of every month through respective S.H.O. and SDPO. The MOB as well as DSP/Crime shall be responsible for compiling the relevant statistics and put up the figures of seized/recovered/released vehicles to the undersigned every month of facilitate monitoring at the level of Police Headquarters.

Utmost urgency may be accorded to the compliance of the above mentioned judgment of the Hon'ble Supreme Court. Any leniency shall be viewed seriously.


Inspector General of Police
U.T. Chandigarh.