

D-8859/18

Rahul Kapoor Vs. Amit Kumar & Ors.

Detailed Accident Information Report (DAR) filed.

Present : Sh. Arvind Singh, Counsel for the injured/claimant.
Driver and owner in person.
Proxy Counsel for the Insurance Company.
IO/ASI Bhopal Singh in person.

Detailed Accident Report filed by IO/ASI Bhopal Singh in form no. 54 of Central Motor Vehicle Rules along with photocopies of criminal record. Copies supplied. Memo of appearance has been filed on behalf of the injured. Memo of appearance has also been filed on behalf of the Insurance Company. However, Ld. Counsel for the injured states that as per the statement given by the injured, the offending vehicle was being driven by Sh. Hansraj, S/o Sh. Mool Chand who is found impleaded in the DAR as owner of the vehicle and not by Sh. Amit Kumar, who is found impleaded as R-1. On perusal of the DAR documents also, it is found that the accident took place on 16.06.2018, but the FIR was registered on 22.06.2018. Initially, one DD no. 10A dated 16.06.2018 is found to have been registered regarding the accident and IO/ASI Bhopal Singh had also visited the injured in the hospital, but it is claimed that at that time, the injured refused to make the statement as some settlement talks were going on. Statement of the injured is found to have been record only on 23.06.2018. However, strangely enough, Sh. Hansraj has been specifically named in the statement of the injured as driver of the offending vehicle and he is stated to have been taken the injured to the hospital and further since some compromise talks between the parties are also stated to have been taken place for around a week, it cannot be just believed that IO had not seen the above person stated to be driving the offending vehicle. Statement of the injured is

found to have been recorded by some other IO/ASI Umrao Singh.

It is not clear from the copy of draft charge-sheet enclosed with the DAR as to how the name of driver has changed from Hansraj to Amit Kumar. It prima facie appears that the Ld. Counsel for the injured is right in making the statement that the driver might have been changed by the IO as the name of Sh. Hansraj, as driver is also found recorded in the MLC of the injured and charge-sheet in the criminal case has yet to be filed. There is no other statement of the claimant shown by the IO to be a part of the DAR documents changing his above version regarding the offending car being driven by Amit Kumar and not by Sh. Hansraj.

Hence, the DAR is not being accepted and has been returned back to the IO. However, the DCP concerned is being directed to conduct an inquiry into the matter through an officer not below the rank of ACP on the allegations being made on behalf of the claimant.

Put up the matter for further proceedings on **29.11.2018**.

(M.K.Nagpal)
Judge/MACT, New Delhi
10.10.2018