

MACP No. 48/18

Raman Kumar Paswan Vs. Dariyab Singh & Ors.

29/05/2018

Present:- Petitioner/injured with Sh. Yatinder Khatri Adv.

Driver cum owner with proxy counsel Sh Naveen Singh Negi

Adv for Sh. Sahil Aggarwal Adv.

Sh A.K Singh Adv for insurance co.

HC Parveen Pairvi Officer of PS Narela is present and has filed report under the signature of Addl DCP R/D. In view of said report, ATR in respect of SI Jeet Singh and Inspector Jarnail Singh be filed positively within six weeks from today.

It is mentioned in the report filed today that Explanation Notice of Sh Rajnish Kumar, ACP Alipur has been filed. Copy of relevant order dt. 16.05.18 also filed therewith. I have gone through the said order.

While filing the Explanation Notice of Sh Rajneesh Kumar ACP Alipur, DCP concerned has taken into consideration the reply of ACP concerned, wherein he claimed that he had issued letters dt. 02.02.17, 21.03.17, 24.03.17, 17.04.17, 16.05.17, 08.06.17, 21.07.17, 07.12.17, 14.12.17, 25.01.18 and 27.02.18 to SHO PS Narela for timely filing of DARs and also issued written directions in this regard in Register No. 13. Said explanation was found convincing and DCP concerned filed the Explanation Notice on that ground.

Copy of relevant order passed in respect of concerned ACP, is silent as to what kind of supervision was exercised by him prior to issuance of letter dt. 02.02.17, when it is an undisputed fact that he had

joined as ACP Alipur w.e.f 19.02.16 and FIR in question was registered on 27.12.16. It may also be noted here that DAR was filed only on 27.02.18 . Although, the copies of relevant letters referred to in the aforesaid order, have not been filed alongwith report but even if the said letters are presumed to have been issued by concerned DCP, it is pertinent tonote that no supervision is shown to have been exercised by concerned ACP from 22.07.17 till 06.12.17. Moreover, the duty of concerned ACP is not over merely by issuing the letters containing general directions to concerned SHO for timely filing of DAR. It was also his bounden duty to ensure that DAR is actually filed at the earliest. In this case, the request for filing DAR was extended upto 26.02.17 as per report of Naib Court and there is **delay of 12 months** in filing the DAR. The lack of supervision on the part of concerned ACP is prima-facie apparent but still his Explanation Notice has been filed by concerned ACP.

Be that as it may, it seems that the superior police authority is trying to shield the subordinate officer which is not expected from them as it goes without saying that in disciplined force like Delhi Police, one cannot overlook/ignore such conduct which on the face of it, shows complete lack of supervision on the part of concerned SHO with regard to the investigation being carried out by his IO and there being considerable **delay of 12 months** in filing the DAR.

At this juncture, it would also relevant to refer to the directions contained in Standing Order Ops 19 dated 30.01.15 issued by Commissioner of Police on the point in issue, apart from the detailed directions issued by Hon'ble Delhi High Court in the case of "**Rajesh**

***Tyagi & Ors Vs Jaibir Singh & Ors.” bearing FAO No. 842/2003, vide order dated 16.12.16.***

Hence, Court is now compelled to take the call about the appropriate action to be taken against the concerned police officials who were at fault for the considerable **delay of 12 months** in filing the DAR in this case.

**Let show cause notice be issued to Sh. Rajneesh Kumar ACP Alipur with direction to appear in person for furnishing his written explanation if any as to why appropriate action should not be taken against him for considerable delay in filing the DAR in this case, returnable for 26.07.2018 at 2.00 pm.**

Reply filed on behalf of driver cum owner. Copy supplied. Previous cost of Rs. 1000/- also paid on behalf of driver cum owner to injured.

Although, insurance co has already given its legal offer in this case but same is not acceptable at this stage to injured as he submits that his disability is being assessed by Disability Board.

**Issue Reminder to Chairman of Disability Board of SRHC Hospital with direction to complete the assessment of disability of injured Raman Kumar Paswan at the earliest and positively within six weeks from the date of this order and to submit the report in terms of order dt. 02.04.18 within said period.**

On request, claimant is allowed to produce his passbook containing necessary endorsement as well as Aadhaar Card and PAN

Card in terms of last order dated 27.02.18, on next date.

Pleadings of the parties are complete. From the pleadings of the parties following issues are framed for consideration.

**1. Whether the injured Raman Kumar Paswan suffered injuries in road traffic accident on 26.12.16 at about 10.00 pm, near Bajaj Showroom, Safiyabad Road, Narela Delhi within the jurisdiction of PS Narela due to rashness and negligence on the part of the driver cum owner Dariyab Singh who was driving vehicle bearing registration no. DL4CAS-4493 and insured with The New India Assurance Co.Ltd?OPP.**

**2. Whether the injured is entitled to any compensation if so to what amount and from whom?OPP.**

**3. Relief.**

No other issue arises out of the pleadings or pressed.

Put up for PE on 10.12.2018. List of witnesses if any be filed by both the parties within 2 weeks. Evidence by way of affidavit on behalf of petitioner be filed within 2 weeks after supplying the advance copy to the respondents through counsel against receipt.

(VIDYA PRAKASH)  
Judge MACT-2 (North)  
Rohini Courts, Delhi