

02.08.2023

Present: Sh. A. K. Pandey, Ld. counsel alongwith petitioner.

None for R1.

Ms. Reema Rajpur, ld. counsel for R2.

Proxy counsel for Sh. Sandeep Sehrawat, Ld. counsel
for R3.

IO/SI Rajbir and SI Balwan, PS Mangolpuri in person.

Retired SI Rajbir submits that after receiving DD entry with regard to an accident on 14.05.2019, he went to hospital where the injured had informed him that he had already settled the matter with the driver of the offending vehicle. Therefore, no statement was recorded. But after five months, the injured came to the police station and thereafter, the present FIR No.984/19 u/s 279/337 IPC, PS Mangolpuri was registered on 13.10.2019.

SI Balwan submits that at the time of accident, the registered owner of the offending vehicle bearing no.HR-55T-0441 was Satish. However, the offending vehicle was financed by AU SMALL FINANCE BANK. The financier had regained the possession of the offending vehicle due to non-payment of EMIs and further AU SMALL FINANCE BANK sold the offending vehicle and failed to get transfer the RC in the name of subsequent purchaser.

Submissions heard.

In view of submissions, both retired SI Rajbir and SI Balwan are discharged.

Reply to the notice issued to the SHO PS Mangolpuri has been filed wherein it is submitted that SHO PS Mangolpuri was on leave for three days from 22.07.2023, therefore, he could not appear in the court. The same reply is accepted.

Issue notice u/s 350 Cr.PC to the SHO PS Mangolpuri stands recalled.

None is appearing on behalf of R1 since last many dates of hearing. Today also, he is absent. In view of this, **R1 is proceeded ex-parte.**

Reply on behalf of R2 has already been filed.

Reply on behalf of R3 has not been filed despite numerous opportunities. Proxy counsel for R3 request for short adjournment to file the reply. Heard. Declined. In view of this, **the opportunity to file reply on behalf of R3 stands closed.**

On the basis of pleadings, documents and material on record following issues are framed as under:-

1. Whether petitioner Shankar Lal, S/o Sh. Johri Lal suffered injuries in road traffic accident on 14.05.2019 at about 8:30 AM, at Kanjhawala Road, Pole Star due to rash and negligent driving of offending vehicle bearing registration no.HR-55T-0441 which was being driven by driver Satish S/o Sh. Hans Raj on the said date, time and place? OPP.

2. Whether the petitioner/injured is entitled for compensation, if so, to what amount and from whom? OPP.

3. Relief.

No other issue arises or pressed upon.

To come up for PE by way of affidavit on **21.09.2023**.

Advance copy of the affidavit be supplied to the opposite party/counsel at least ten days before NDOH against acknowledgment.

(Gagandeep Jindal)
ADJ-1+ MACT, N/W, Rohini Courts,
02.08.2023