



**In the Court of the Additional District & Sessions Judge,
4th Court,
Purba Bardhaman Sadar, Dist.- Purba Bardhaman**

Present

Shri Pradip Kumar Adhikary, WBJs,
J O Code (UID No.) - WB916

**CNR No.- WBBd 0100 1873 2020
MACC No.- 81 of 2020**

Gaytri Patel and four others
Represented by the Ld. Advocate Shri Biswa Ranjan Bhattacharyee

v.

Mithailal Dayaram and United India Insurance Co. Ltd.

Represented by Ld. Advocate Shri Haridas Mukherjee

Order No.- 28
19/02/2026

The plaintiffs/petitioners/claimants and the defendant/OP no.- 02/insurer have filed hazira through Ld. Advocates respectively.

Today is fixed for filing requisites by the plaintiffs/petitioners/claimants for issuing summons upon the defendant/OP no.- 01/owner and hearing of hearing of the petition 169(2) read with section 134(c) as well as the petitioner under section 158(6) of the Motor Vehicle Act filed by the defendant/OP no.- 02/insurer on 31/08/2024.

The plaintiff / plaintiffs / petitioner/applicant / petitioners/appellants has/have not complied the order of the Court.

It appears from the record that on 04/02/2023 the were directed to take fresh for issuing summons upon the defendant/OP no.- 01/owner.

But since then till today they have neither deposited the court-fee nor paid the postal charges, chargeable for such service nor presented copies of the plaint as required by rule 09 of Order VII of the Code of Civil Procedure, 1908.

So, it is found that the summons has not been served upon the defendant/OP no.- 01/owner in consequence of the failure of the plaintiffs/petitioners/claimants to pay the court-fee and/or postal charges, chargeable for such service, and/or failure to present copies of the plaint as required by rule 9 of Order VII.

Hence, the plaintiffs/petitioners/claimants are directed to file show-cause as to why the case shall not be dismissed in terms of the provision of order 9, rule 2 of the Code of Civil Procedure, 1908.

The case record is taken for hearing of the petition/application under section 169(3) read with section 134(c) of the Motor Vehicles Act, 1988 filed by the plaintiff/petitioner/claimant on 31/08/2024.

In the said petition/application the defendant/respondent no.- 02/insurer has prayed for passing necessary direction upon the plaintiff/petitioner/claimant to supply/produce the copy of required documents regarding the alleged accident and insurance policy and other particulars.

Heard.

Other side has raised no objection.

Considered the materials on record.

Upon such hearing and consideration it appears that the plaintiffs/petitioners/claimants have special knowledge of and matter relevant to the inquiry and they are required to assist the Court in holding the inquiry. Hence, for the purpose of adjudicating upon the claim for compensation plaintiffs/petitioners/claimants are directed to give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely—

- (i) insurance policy number and period of its validity;
- (ii) date, time and place of accident;
- (iii) particulars of the persons injured or killed in the accident;
- (iv) name of the driver and the particulars of his driving license.

The case record is further taken up for hearing of the petition/application under section 158(6) of the Motor Vehicles Act {section 159 of the Motor Vehicles (Amendment) Act, 2019} filed by the defendant/respondent no.- 02/Insurance Company on 31/08/2024.

In the application/petitioner the defendant/respondent no.- 02/Insurance Company has prayed giving necessary direction upon the Officer-in-Charge of the concerned PS to provide accident information report which has not been provided within the statutory period of time.

Heard.

Considered the materials on record.

Section 159 of the Motor Vehicles Act, 1988 read with clause 12 of Annexure XIII of the Central Motor Vehicle Rules, 1989 requires police officers to submit accident information report to the Claims Tribunal within a period of three months from the date of accident.

Rule 150A of the CMVR read with clause 2 of Annexure XIII of the said CMVR mandates the Investigating Officer to intimate the accident to the Claims Tribunal within forty-eight (48) hours of the accident, by submitting the First Accident Report (FAR) in Form I and also upload on the website of the State Police.

In **Gohar Mohammed v Uttar Pradesh State Road Transport Corporation : CIVIL APPEAL NO.- 9322 of 2022 arising out of SPECIAL LEAVE PETITION (C) NO.- 32448 of 2018** the Hon'ble Apex Court has been pleased to lay down that

ACTION BY POLICE OFFICERS AND REGISTERING AUTHORITIES IN THE EVENT OF OCCURRENCE OF ACCIDENT BY USE OF MOTOR VEHICLE AT PUBLIC PLACE :

26. While following the procedure, where an accident has taken place, information regarding accident is required to be furnished to the police officer. The relevant provisions with respect to the information and duties of the police officer and registering authority have been specified under Sections 159 and 160 of the M.V. Amendment Act, which are reproduced as thus:

“159. Information to be given regarding accident.—The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.”

160. A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.”

27. From the above, it is evident that on receiving the intimation of the accident and during investigation, the police officer is required to prepare the accident information report (AIR) and shall work as a facilitator in settlement of the claim in a manner as prescribed and furnish the information to the Claims Tribunal and other stakeholders, as specified. The police officer and registering authority are supposed to discharge their functions to facilitate and furnish the information on payment of prescribed fees to the person entitled for compensation or to insurer, against whom the claim has been made. They shall also facilitate to identify the vehicle, name and address of the person using the vehicle at the time of accident and also regarding a person injured or property involved, as prescribed.

28. The Central Government in its wisdom with an intent to carry out the purpose of the Act promulgated the Rules, known as Motor Vehicle Amendment Rules, 2022.

29. As per the Rules, in the event of a road accident, the investigation must be started immediately on receipt of information by the police officer of the police station concerned. The Investigating Officer shall inspect site of accident, take photographs/videos of scene and vehicle involved, followed by preparation of site plan drawn to scale as to indicate the width of road(s) as the case may be and other relevant factors including the persons and vehicles involved in the accident. In a case of injury, the Investigating Officer shall take photographs of the injured in the hospital and shall conduct spot enquiry examining the eyewitnesses/bystanders. The intimation regarding the accident is required to be furnished by Investigating Officer within 48 hours to the Claims Tribunal in the shape of First Accident Report (FAR) in Form-I. It is further required to be sent to the Nodal Officer of the insurance company on having particulars of the insurance policy. The injured/victim(s), legal representative(s), State Legal Services Authority, insurer shall also be provided the copy of Form-I and the same must be uploaded on the website of the State Police, if available.

30. It would be the duty of the Investigating Officer to inform the injured/victim(s)/legal representative(s) regarding their rights by supplying Form-II attaching flow chart within 10 days specifying the scheme to seek remedial measure. It would be the duty of the Investigating Officer to ask the information in Form-III and Form-IV from the driver(s) and the owner(s) respectively within 30 days. As per the new regime, on receiving the information, Interim Accident Report (IAR) shall be submitted by the Investigating Officer to the Claims Tribunal within 50 days in Form V along with relevant documents. A copy of the said IAR shall be furnished to the insurance company of the motor vehicle(s) involved in the road accident, victim(s)/claimant(s), State Legal Services Authority, insurer and General Insurance Council. The Investigating Officer or the insurance company shall have right to verify the details of the driver and the owner by using the VAHAN App or shall take the help of Registering Authority. Investigating Officer is duty bound to take the relevant details from the victim(s) or the legal representative(s), as the case may be and furnish the details within 60 days in Form-VI. Form-VI-A is modulated to the minor children, who are in need of care and protection in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

31. On failure to submit the relevant information and documents, as required in Forms III, IV and VI by the driver(s), owner(s), claimant(s) or any information by the insurance company, the Investigating Officer may ask for direction to the stakeholder(s) before the Claims Tribunal to furnish such information within 15 days. The registering authority is duty bound to verify the licence of driver, fitness and permit of the vehicle(s) involved in the accident and shall supply such information within 15 days to the Investigating Officer. Similarly, for the purpose of issuance of medico legal report or the post-mortem report, the hospital is required to furnish such information to the Investigating Officer within 15 days.

32. *The Investigating Officer shall within 90 days compile all relevant documents and material in the form of Detailed Accident Report (DAR) in Form-VII accompanying site plan Form-VIII, mechanical inspection report Form-IX, verification report Form-X and the report under Section 173 Code of Criminal Procedure (Cr.P.C.) It would be the duty of the registering authority to verify the registration certificate, driving licence, fitness and permit in respect of the vehicle(s) involved in the accident and the same is required to be submitted within 15 days to the Investigating Officer to complete the IAR and DAR. The extension of time limit to file IAR and DAR is only permissible where the Investigating Officer approaches the Claims Tribunal in cases where parties reside outside the jurisdiction of the Court or where the driver’s licence is issued outside the jurisdiction of the Court or where the victim(s) have suffered grievous injuries and are undergoing continuous treatment. Thus, the Investigating Officer shall furnish FAR within 48 hours, IAR within 50 days, complete the investigation within 60 days and file DAR within 90 days. Copy of DAR shall be furnished to the victim(s), owner(s)/driver(s) of the vehicle(s), the insurance company involved and the State Legal Services Authority including the Nodal Officer of the insurance company and the General Insurance Council.*

33. *On perusal of the above, it is clear that to carry out the purpose of the provisions of Sections 159 and 160 of the M.V. Amendment Act, the Officer Incharge of the police station and the registering authority are required to act upon in a manner as prescribed in the Rules within the period as specified, thereby on receiving the information of accident, the complete information regarding such accident is to be made available before the Claims Tribunal within the time limit without delay. As per Rules, the failure to perform the duties by the police officer may entail severe consequences as envisaged under the provisions of the State Police Act. Thus, legislative intent is clear that on reporting a road accident the Investigation Officer must complete all his action within time frame and shall act as facilitator to the victim(s)/claimant(s), insurance company by furnishing all details in prescribed forms, thereby claimant(s) may get damages/compensation without delay.*

The Hon’ble Apex Court has further been pleased to herald that

62. Accordingly, this appeal is decided with the following directions:

i) * * * * *

(ii) *On receiving the intimation regarding road accident by use of a motor vehicle at public place, the SHO concerned shall take steps as per Section 159 of the M.V. Amendment Act.*

(iii) *After registering the FIR, Investigating Officer shall take recourse as specified in the M.V. Amendment Rules, 2022 and submit the FAR within 48 hours to the Claims Tribunal. The IAR and DAR shall be filed before the Claims Tribunal within the time limit subject to compliance of the provisions of the Rules.*

(iv) *The registering officer is duty bound to verify the registration of the vehicle, driving licence, fitness of vehicle, permit and other ancillary issues and submit the report in coordination to the police officer before the Claims Tribunal.*

(v) *The flow chart and all other documents, as specified in the Rules, shall either be in vernacular language or in English language, as the case may be and shall be supplied as per Rules. The Investigating Officer shall inform the victim(s)/legal representative(s), driver(s), owner(s), insurance companies and other stakeholders with respect to the action taken following the M.V. Amendment Rules and shall take steps to produce the witnesses on the date, so fixed by the Tribunal.*

(vi) * * * * *

(vii) *In view of the M.V. Amendment Act and Rules, as discussed hereinabove, the role of the Investigating Officer is very important. He is required to comply with the provisions of the Rules within the time limit, as prescribed therein. Therefore, for effective implementation of the M.V. Amendment Act and the Rules framed thereunder, the specified trained police personnel are required to be deputed to deal with the motor accident claim cases. Therefore, we direct that the Chief Secretary/Director General of Police in each and every State/Union Territory shall*

develop a specialized unit in every police station or at town level and post the trained police personnel to ensure the compliance of the provisions of the M.V. Amendment Act and the Rules, within a period of three months from the date of this order.

- (viii) * * * * *
- (ix) * * * * *
- (x) * * * * *
- (xi) * * * * *
- (xii) * * * * *
- (xiii) * * * * *
- (xiv) * * * * *

From the contents of instant petition supported by verification there is no alternative but to hold that the concerned Officer-in-Charge and the Investigating Officer not only blatantly violated/breached the statutory provisions of law but also utterly disobeyed the solemn mandates of the Hon’ble Apex Court which is a gross misconduct on the part of the erring police officers.

In **Gohar Mohammed v Uttar Pradesh State Road Transport Corporation** the Hon’ble Apex Court has been pleased to mandate that

As per Rules, the failure to perform the duties by the police officer may entail severe consequences as envisaged under the provisions of the State Police Act.

Hence, in order to ensure the rule of law the Court is constrained to direct the Superintendent of Police, Purba Bardhaman to initiate necessary proceeding and / or take necessary action against the erring Officer-in-Charge of the concerned police station and the Investigating Officer who treat the law to be their sub-survient for their dereliction/avoidance/neglect of duty and disobey/violation/breach of relevant provisions of law, rules and regulations as well as mandates of the Hon’ble Court and the Court shall be informed of the action so taken by him.

The Superintendent of Police, Purba Bardhaman is further directed to ensure that the concerned Officer-in-Charge and the Investigating Officer perform their duties as per provisions of law as well as solemn mandates of the Hon’ble Apex Court and furnish the relevant reports, documents, etc. as mentioned above to the defendant/respondent no.- 02/Insurance Company as well as to the Court by the next date positively and submit a compliance report.

To 24/03/2026 for

- 1. for filing show-cause by the plaintiffs/petitioners/claimants as to why the case shall not be dismissed in terms of the provision of order 9, rule 2 of the Code of Civil Procedure, 1908.,
- 2. furnishing information by the plaintiff(s)/petitioner(s)/claimant(s) to the insurer and
- 3. compliance report by the Superintendent of Police, Purba Bardhaman.

Let a copy of this order be sent to the Superintendent of Police, Purba Bardhaman for compliance.

Typed by me

Additional District & Sessions Judge,
4th Court,
Purba Bardhaman Sadar

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