

MAC Case no. 128 of 2023
CNR-WBBD01-002282-2023
(JO Code WB00702)

Order No. 10 dated 16/01/2025

Today is fixed for hearing of the petition dt. 06/02/2024 filed by the petitioners namely Nibedita Jetly and others u/s 158(6) of M.V.Act.

Petitioners files hazira.

OP/Insurance Co. file its hazira.

The petition u/s 158(6) of M.V. Act is taken up for hearing.

Heard Ld. Advocate of both sides.

Ld. Advocate for the petitioners prayed for passing necessary diction upon the officer in charge, Illambazar PS, Dist.-Birbhum for submitting police report in connection with Illambazar PS case no. 71 of 2023 on the grounds stated therein.

Perused the petition along with the materials on record. On perusal, it reveals that the instant case was registered on 17/05/2023 u/s 166 of Motor Vehicles Act filed by the claimant/petitioners in respect of the alleged death of one Amit Jetly. But since filing of the instant petition, no police report has been submitted by the officer in charge of the concerned PS despite repeated directions upon them by this court.

It is the settled principle of law that the right to the speedy trial is the Fundament Right of every citizen of India which flows from Article 21 of our Constitution and the claimants/petitioner of this case are suffering for more than 19 months. The instant case cannot be proceeded only for the lacklusture and lackadestical attitude on the part of the officer in charge of the concerned PS. I would like to mention here that there is a specific direction of the Apex Court reported in 2007(4) TAC 24 (SC) where the Hon'ble Apex Court was pleased to opine that the direction should be given to the all concerned police officers regarding the requirement engrafted under 159 of M.V.Rule, in Form-54 of M.V.Act. Hence, the instant petition is hereby allowed.

In view of the above circumstances, the officer in charge of Illambazar PS, Dist-Birbhum is directed for supplying the necessary copies of the police report in connection with Illambazar PS case no. 71 of 2023 as per provision of Sec. 54 of Motor Vehicles Rules, 1989 and also in provision of 158(6) of M.V.Act, 1988 forthwith I.d. necessary order will be passed .

Let a copy of this order be sent to the officer in charge, Illambazar PS at once for his information and necessary action.

Fix 07/04/2025 for supplying copies of police report.

D/C by me

sd/-
Judge MAC Tribunal
1st Court, Burdwan.

sd/-
Judge MAC Tribunal
1st Court, Burdwan