

M.A.C.C. No. 75 of 2012 (Reg. 178/2014)

22.04.2025

As per order of this Court dated 12.03.2025 the I.O. Biswajit Banerjee though not required as such but one chance was given to the Owner of the case to bring such I.O. who conducted investigation of the accident but the I.O. sent a message through e-mail from puruliatelecomn@gamil.com that he was badly engaged in law and order duty.

Now, this case involves the death of a police constable and compensation was applied for by his father and mother who are aged about 75 and 70 approximately. The Owner of the concerned vehicle which was involved in the accident being a Bolero vehicle having No.JH05-AC 9623 want the I.O. to be a witness. The I.O. has got nothing to say except the FIR and the charge sheet which he has filed. The police is in a position of influence over the Owner of the vehicle and the police was using the vehicle which have no insurance policy.

Therefore, the police is in serious breach of law. The Owner may be handing gloves of the police because it is non of the Owner's business to prove the Owner's innocence. Rather it is for the S.P. to prove that why they had taken the vehicle and was using the same in breach of law. The liability of the police is already there and the case will be decided accordingly. Further summons to be issued is not required because it is not the duty of the Owner to prove the case that the police had no liability. It is for the police the prove and the S.P. has done nothing in this case. Therefore, if police wants, it is for the S.P. to bring SI Biswajit Banerjee to say that they have no liability when the S.P. is a party to this case. Since the S.P. is a sleeping litigant in this case no more time will be given to the Owner to prove the case of the police that the police is not liable. Accordingly, there is no question to further summon by the Owner to the police.

To **20.05.2025** for oral and written argument.

Dictated and Corrected by me

Sd/-
Judge, MAC Tribunal
1st Court, Purulia

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Judge, MAC Tribunal
1st Court, Purulia
(JO Code WB01242)