



10/22.07.2024

Today is fixed for evidence of PW.

The Ld. Advocate of the petitioner is ready with 02 witnesses namely Barman Shyamal and Bipul Barman and file hazira.

Ld. Advocate of the OP/Ins Co. is also present.

The witnesses file affidavit-in-chief as PW-1 and PW-2 respectively.

Ld. Advocate for the O.P./Insurance Company is present and files a petition under section 170 of the MV Act with a prayer for seeking permission to contest the case on all possible defence.

Copy supplied with no objection.

Ld. Advocate for the O.P./Insurance Company submits that the O.P./Owner is not contesting the case and therefore he needs to contest the case as a whole.

Ld. Advocate for the petitioner raised no objection.

Heard. Considered.

Considering all, this court finds material on the submission of the Ld. Advocate for the O.P./Insurance Company and thereby his prayer is allowed.

The case is running exparte against the O.P./Owner.

Now the case is taken up for recording evidence.

The witness namely Barman Shyamal and Bipul Barman are examined in chief and cross-examined in full as PW-1 and PW-2 and released.

The certified copy of Formal FIR of the Raiganj PS Case No 1310/2022 dt 19.10.2022 is marked as **Exhibit-1**. The certified copy of Written Complaint is marked as **Exhibit-2**. The certified copy of Charge Sheet being No 297/2023 dt 31.03.2023 is marked as **Exhibit-3 (Total 03 Pages)**. The certified copy of Seizure List dt 13.11.2022 is marked as **Exhibit-4**. The certified copy of **Post Mortem Report being No.1924/2022 dated 17.10.2022** of the deceased Bishkha Barman is marked as **Exhibit-5**. The photocopy of Insurance Policy being No **3005/A/242762205/00/B00** is marked as **Exhibit-6**. The original Aadhar Card of the deceased is marked as **Exhibit-7**. The photocopy of Aadhaar Card of Barman Shyamal is marked as **Exhibit-8**.

On verbal prayer of the Ld. Advocate of the petitioner, PW is closed.

Fix **04.10.2024** for evidence of OPW.

D/C

MACT Judge, FTC-II,
Raiganj, Uttar Dinajpur

(Manik Lal Jana)(WB01023)
MACT Judge, FTC-II,
Raiganj, Uttar Dinajpur

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