

WP(C) 6474/2016

BEFORE

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. B. Chanda, learned counsel for the petitioner. Also heard Mr. H.K. Hazarika, learned State counsel, appearing for the respondent Nos.1 to 4.

It is submitted by Mr. Chanda that an Ejahar was lodged on 07.05.2016 before the Officer-in-Charge, Bakalia Police Station concocting a false story of involvement of the petitioner's vehicle No.AS-02/M-8164 in an accident on 26.03.2016. It is asserted that the vehicle of the petitioner was not involved in the said accident, even if there was any accident.

Based on the said FIR, Bakalia Police Station Case No.35/2015 under Sections 279/338/304(A) IPC was registered. Within 2(two) days of filing of the Ejahar, number of Form No.54s were issued to the respondent Nos.7 to 26.

The substance of the argument of Mr. Chanda is that with a nefarious design, the petitioner's vehicle was implicated with the accident based on the Ejahar lodged almost after 1% month. He has submitted that the petitioner had lodged an Ejahar in this connection before the Officer-in-Charge, Dabaka Police Station but the said FIR has not been registered. It is also submitted that the petitioner had lodged a complaint before the Director General of Police on 04.10.2016 and had also written a letter dated 18.08.2016 to the Chief Regional Manager, New India Assurance Company Limited.

Based on the aforesaid Form No.54s, it submitted by him, that MAC Case No.1204/2016, MAC Case No.1205/2016, MAC Case No.1206/2016, MAC Case No.1207/2016, MAC Case No.1255/2016, MAC Case No.1640/2016 and MAC Case No.2061/2016 were filed before the Motor Accident Claims Tribunal No.2, Kamrup (M) at Guwahati.

Having regard to the submissions advanced, it is considered appropriate to issue notice of motion.

Accordingly, notice of motion is issued, returnable in 8(eight) weeks.

No formal steps with regard to the respondent Nos.1 to 4 are called for as they are duly represented. However, extra copies of the writ petition be served upon Mr. Hazarika.

Steps for service of notice on the respondent Nos.4(a) and 5 to 27 by registered post with A/D.

Until further orders, further proceedings in MAC Case No.1204/2016, MAC Case No.1205/2016, MAC Case No.1206/2016, MAC Case No.1207/2016, MAC Case No.1255/2016, MAC Case No.1640/2016 and MAC Case No.2061/2016 shall remain suspended.