

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

CWPIL No. 12/2014.

Date of decision: 17th September, 2014.

<i>Ajay Sipahiya & others</i>	<i>..... Petitioners.</i>
<i>Versus</i>	
<i>State of H.P. and others</i>	<i>..... Respondents</i>

Coram:

The Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice.

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

Whether approved for reporting ?¹ Yes.

For the petitioners: Mr. Ajay Sipahiya petitioner in person.

For the respondents: Mr. Shrawan Dogra, Advocate General with Mr. Romesh Verma, Additional Advocate General, Mr. J.K. Verma & Mr. Kush Sharma, Deputy Advocate Generals, for respondents No. 1,2,4, 5 and 6.
Mr. G.S. Rathore, Advocate, for respondent No. 3.

Mansoor Ahmad Mir, Chief Justice (Oral)

Respondents have failed to file reply and compliance report, in terms of order dated 4th September, 2014.

2. Mr. Shrawan Dogra, the learned Advocate General and Mr. G.S. Rathore, Advocate, for respondent No. 3 sought and are granted four weeks' time to do the needful, in terms of order dated 4th September, 2014.

3. Keeping in view the interest of public at large read with the fact that vehicular traffic accidents are occurring in the entire State of Himachal Pradesh at the highest rate, may be because of the conditions of the roads or the reckless driving or for any other reasons, the ultimate sufferer/victim of which is public at large, who loses their lives in the accidents or become permanent and partially disabled, we deem it proper to pass the

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ?*

following directions, in addition to the directions already passed vide order dated 4th September, 2014:

- (I) The Himachal Pradesh Police to start the website in which all the relevant information/documents are placed, which can be downloaded by the claimants, insurance companies as well as the Tribunals;
- (II) The registers be maintained at police Station level indicating the details which shall contain details of date of dispatch of FIR and Form 54 of the Motor Accidents Claims Tribunals. The column containing details of information not included in Form 54 along with the reasons for non-availability, shall also be maintained in the Register;
- (III) The supply of copies of FIR and other documents to the claimants/Tribunal on the date of registration and other documents within a stipulated period prescribed by sub clause 6 of Section 158 of the Act;
- (IV) Entries be made in red ink in the index of FIR about the date of dispatch of report and information, supra;
- (V) The Deputy Superintendents of police in each district must check the dispatch registers mandatorily in every six months and must ensure the compliance;
- (VI) The Superintendents of Police, Deputy Superintendents of Police and Station House Officers to record in the final reports, submitted to the Magistrate in terms of sub clause 2 of Section 173 of the Code of Criminal Procedure about the compliance of Sub section (6) of Section 158 of the Act-Rule 150 of the Rules and Form 54. It must also contain details to whom the information was given and what kind of information was given;
- (VII) The monitoring cell, i.e., "MAC Monitoring Cell" be created in each district headed by the Deputy Superintendents of Police to monitor the delivery of Form 54 and other requisite information, i.e., to ensure the compliance of the mandate of Section 158 (6) of the Act;

- (VIII) *The Presiding Officers of Motor Accidents Claims Tribunals must convene meeting once in a month with all the stake holders, i.e. police, prosecution agencies, insurance officers in order to ensure that the compliance is made and the grievance of the sufferers is redressed without delay;*
- (IX) *The Superintendents of Police must weekly conduct review and ensure that the entire information, i.e. submission of FIRs, documents in terms of Form 54 and other information which is not contained in Form 54 must be placed on the website, so that, it can be downloaded by the Claims Tribunals/claimants;*
- (X) *The Station House Officers must ensure installation of the Check-List Boards in their Office Rooms;*
- (XI) *The Magistrate while granting the remand must ensure that the Investigating Agencies and Station House Officers have complied with the mandate of Section 158 (6) of the Act.*

4. The Principal Secretary (Home) to the Government of Himachal Pradesh, the Director General of Police, District and Sessions Judges and Superintendents of Police of all the districts are directed to report compliance, in terms of the directions made supra and also in terms of directions contained in order dated 4th September, 2014.

List on **3rd November, 2014**. Copy **dasti**.

(Mansoor Ahmad Mir)
Chief Justice.

September 17, 2014
(cm Thakur)

(Tarlok Singh Chauhan)
Judge