

GAHC010058982024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1791/2024

LAKSHI GORH
W/O- LATE SUJIT GARH, VILLAGE- TILOIJAN E BOR LINE, P.S. SUJIT
GARH, E. BOR LINE, P.O. MORAN, P.S. MORAN, DISTRICT- DIBRUGARH

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, (HOME
DEPARTMENT), GUWAHATI- 781006

2:THE STATE INFORMATION COMMISSIONER
JONAKI COMPLEX
SILPIGRAM ROAD
PANJBAARI GUWAHATI

3:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07
ASSAM

4:THE INSPECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07
ASSAM

5:THE SUPERINTENDENT OF POLICE
DIBRUGARH
ASSAM

6:THE OFFICER-IN-CHARGE OF MORAN POLICE STATION
DIBRUGARH
ASSAM

7:THE IN CHARGE OF BAMUNBARI OUTPOST
DIBRUGARH
ASSA

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 01.04.2024

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Mr. J. Handique, learned Govt. Advocate appearing for all the respondents.

2. The petitioner claims to be the mother of Prem Gorh (spelt in the writ petition as Prema Gorh), who had died in a road traffic accident on 29.10.2022 in a head-on collision involving scooty bearing registration no. AS-06-AB-8963. The petitioner claims that the deceased was allegedly the pillion rider on the said scooty. The head on collision was with a motorcycle bearing registration no. AS-04-X-1915, which was being driven by one Dimbeswar Chutia. Accordingly, Moran P.S. Case no. 47/2023 was registered under Section 279/338 IPC.

3. It appears from the documents annexed to this writ petition that FR No. 14/2023, dated 31.05.2023 was submitted on death of Prema Gorh and after submission of Final Report, the rider of the other motorcycle, namely, Dimbeswar Chutia had also expired. It is projected from Annexure-E series to the writ petition that Form-54 was delivered to one Mamoni Chutia, wife of Late Dimbeswar Chutia.

4. The grievance of the petitioner is that Form-54 was not furnished to

the petitioner, whose son was also the deceased in the same road traffic accident.

5. It is projected that despite filing of RTI application as well as first and second appeal in respect of the information desired, the copy of the Form-54 has not been furnished to the petitioner. Accordingly, this writ petition has been filed under Article 226 of the Constitution of India.

6. Having regard to the projection made in this writ petition that the petitioner is the mother of the deceased Prem Gorh, who had died in a road traffic accident on 29.10.2022 between two vehicles referred above and in respect of which Moran P.S. Case no. 47/2023 was registered, the Court is of the considered opinion that the petitioner, being the mother of the deceased is also entitled to a copy of Report/Form-54, which is the requirement under Rule 150 of the Central Motor Vehicles Rules, 1989, which would be subject to realization of the fees as may be prescribed under Sub-section (2) of Section 150 of the Central Motor Vehicles Rules, 1989.

7. Accordingly, this writ petition stands allowed by directing the Officer-in-Charge of Moran Police Station (respondent no.6) to provide copy of the requisite Form-54 to the petitioner, namely, Lokhi Gorh (spelt in the writ petition as Lakshi Gorh), mother of the deceased Prem Gorh in the event the said deceased is involved in the road traffic accident registered as Moran P.S. Case no. 47/2023.

8. The same shall be furnished within a period of 3 (three) weeks from the date of receipt of certified copy of this order.

9. Accordingly, this writ petition stands disposed of at the motion stage without issuance of notice on the respondents.

10. The photocopy of the Aadhaar Card of the deceased Prem Gorh and Voter Identity Card of the writ petition is retained as a part of record.

JUDGE

Comparing Assistant