

THE HIGH COURT OF TRIPURA
AGARTALA

MAC App. No. 50 of 2010

Appellants :

- 1. The Union of India,**
(Represented by the Secretary, Home
Department), Government of India.
- 2. The Commandant,**
173 Battalion, CRPF, Narsingarh, near
polytechnic College, P.S-Airport, District-
West Tripura.

By Advocate :

Mr. P. K. Biswas, Asstt. S. G.

Respondents :

- 1. Smti. Giribala Sutradhar,**
W/o. Late Sudhangshu Sutradhar.
- 2. Shri Mantu Sutradhar,**
S/o. Late Sudhangshu Sutradhar.
- 3. Shri Bhanu Sutradhar,**
S/o. Late Sudhangshu Sutradhar.
- 4. Smti. Sabita Sutradhar,**
D/o. Late Sudhangshu Sutradhar.
- 5. Smti. Rita Sutradhar,**
D/o. Late Sudhangshu Sutradhar.

All are residents of Durjoynagar,
P.S-Airport, District-West Tripura.

By Advocate :

None.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **4th March, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the Union of India is directed against the award dated 07.04.2010 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in T.S(MAC) No. 145 of 2007 whereby the Tribunal awarded a

sum of Rs.4,03,800/- along with interest @ 6% per annum in favour of the claimants.

[2] The claimants are the wife and children of Late Sri Sudhangshu Sutradhar and in the claim petition it was alleged that on 17.06.2006 at about 10.15 p.m while Sudhangshu Sutradhar was going to his house in Durjoynagar from Lichu bagan CRPF vehicle bearing registration No. MH-14-F-9875 (407 model) knocked down Sudhangshu Sutradhar. The local persons immediately shifted Sudhangshu Sutradhar to the G. B. P. Hospital but unfortunately, he died as a result of the accident. No eye witness to the accident was produced. The Tribunal relying upon the police report came to the conclusion that the vehicle No.MH-14-F-9875(407 model) was involved in the accident and he has drawn an inference that this vehicle had caused the accident resulting in the death of the deceased.

[3] It has been urged on behalf of the appellant that in the final report filed by the police it was mentioned that the offender could not be traced out and it has been stated as follows:

******* All possible efforts made to detect the number of offending vehicle but to no result could be achieved at all. I things there is no chance to detect the number of the offending vehicle in near future.*****"**

Relying upon these observations it is urged that the police has been unable to find out which was the vehicle involved in the accident. It is submitted that therefore, the deceased could not be said to have died out of an accident involving the vehicle No.MH-14-F-9875. It would be pertinent to mention that even the log book of this vehicle was produced which showed that it had only plied 38 kms. in one month and was not plying on the said date. To this extent the learned counsel is absolutely right that there is very little material on record

to show that it was vehicle no. MH-14-F-9875 which was involved in the accident. However, the same final report which is relied upon by the CRPF also contains the following portions:

******* On 17.06.2006 at about 18.30 hrs. while Sudhangshu Sutradhar reached near army camp at Lechubagan on way to his home at Durjoynagar from Lechubagan bazar, suddenly the 407 model CRPF vehicle came from opposite direction i.e. Airport side on driving very rush and negligently by its driver and dashed to Sudhangshu Sutradhar. Resulting which Sudhangshu Sutradhar received grievous injury and subsequently Sudhangshu Sutradhar succumbed to his injury at G.B.P Govt. Medical College Hospital.*****"**

This portion of the report clearly indicates that the police during investigation came to a finding that the vehicle which knocked down Sudhangshu Sutradhar was a vehicle belonging to the CRPF. It may be true that the number of the vehicle is not known and the name of the driver is not known but one fact which stands proved on record is that the vehicle belong to the CRPF.

[4] Therefore, I am of the considered view that though even if the exact vehicle has not been identified, it is proved on record that the deceased suffered injuries due to the negligence of a driver who was driving a CRPF vehicle and therefore, the appeal is dismissed. No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE