

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO No.5692 of 2010 (O&M)  
Date of decision : March 09, 2017**

**Kamla and another** **..... Appellants**

**Versus**

**Union of India** **..... Respondent**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. Subhash Sachdeva, Advocate for the appellants.

Mr. Vikas Chatrath and Khush Karan, Advocates  
for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

**KULDIP SINGH J. (ORAL)**

This is the first appeal against the judgment dated 11.03.2010 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide which the claim application filed by the applicants-appellants was dismissed.

It is the case of the applicants-appellants that on 09.05.2008, Rajesh Kumar (deceased) purchased a train ticket from Jalandhar to Ambala Cantt to go to his home place i.e. Patiala. At that time, his cousin Tara Chand Joshi was also present to see off the deceased. On the next day, the dead body of the Rajesh Kumar was found near the railway track near Gobindgarh Railway Station. The ticket was lost in the incident.

In the reply, the Railway has taken the stand that it was not untoward incident covered under Section 123(c) of the Railways Act, 1989.

The injuries suffered by the deceased are self inflicted injuries due to his own criminal act while standing at the gate of the compartment of a moving train when the train had already covered considerable distance from the alleged place of start of journey. It was also denied that the deceased was a bonafide passenger.

From the pleadings, following issues were framed:

- “1. Whether the deceased was a bonafide passenger, as alleged?
2. Whether the incident in question is covered within the ambit of Section 123(c) read with Section 124-A of the Railways Act?
3. Whether the applicants are the only dependents of the deceased?
4. Relief.”

The Tribunal has taken the view that it is apparent a case of suicide as the head of the deceased was severed from the rest of the body. The head was lying between the track and remaining portion of the dead body was lying outside the track. Therefore, the claim of the applicants -appellants was denied.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned counsel for the applicants-appellants has vehemently argued that the police in the inquiry has concluded that it is a case of fall from the train.

However, DRM report indicates that the Railway Authority has concluded that it is a case of suicide.

In order to find out as to whether the injuries could be suicidal or could be caused due to fall from a moving train, one is to go through the

nature of injuries mentioned in the inquest report and the postmortem report.

The inquest report makes it clear that the head was severed from the rest of the body and it was lying between the track, whereas the remaining portion of the body was lying outside the track. In addition to the severance of the head, the left arm was fractured from the shoulder. The elbow was also fractured and there were contusions on both legs. If a person falls from a moving train, he is unlikely to receive such injuries and his head is unlikely to suck under the moving train and severed in such a manner. In case of fall from the train, there are contusions and abrasions on the entire body as because of the fall, the body might rolls over. However, in the present case, the nature of injuries shows that the deceased might have put his head on the track. It was the reason that the head of the deceased was severed and there was a fracture on the left shoulder and only scratches were found on both the feet. No contusions or abrasions were there on the rest of the body, which ruled out that the deceased fell from the train.

Learned counsel for the applicants-appellants has further argued that since it was an Express train and there was no stoppage at Rajpura, therefore, the deceased was to go to Ambala Cantt. to board another train for Patiala.

I am of the view that the oral statement of the cousin of the deceased cannot be accepted that the deceased boarded the train from Jalandhar. The statement of the mother of the deceased made before the GRPF shows that the deceased was having strain relations with his wife and had taken divorce from his wife. There is no reason for the GRPF to record wrong statement of the mother of the deceased. Even if, everything is ignored, the medical evidence is conclusive to hold that it is a case of suicide and not a case of fall from a moving train.

It being so, there is no illegality or infirmity in the impugned judgment dated 11.03.2010. As such, the present appeal is dismissed.

(KULDIP SINGH)  
JUDGE

March 09, 2017

sarita

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| Whether speaking / reasoned | Yes |
| Whether Reportable:         | Yes |