

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.640 of 2023

Arising Out of PS. Case No.-377 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Mohammad Mokhatar S/O Md. Latif Sah Resident Of Village And P.O. Chak
Abdul Gani Ward No.- 2, P.S.- Muffasil, District- Samastipur 848129.

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Director General Of Police Old Secretariat,
Patna, Bihar.
2. The Director General Of Police, Old Secretariat, Patna, Bihar.
3. Superintendent Of Police, Samastipur.
4. Dy. Superintendent Of Police, Sadar, Samastipur.
5. Station House Officer, Muffasil, Police Station, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Prasad Singh, Adv.
For the Respondent/s : Mr. Prabhat Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that the present Cr.

Writ application has been filed for the following reliefs :-

i. For the issuance of Writ of mandamus
commanding/directing the Respondent particularly Respondent
No.5 to Police Final Report bearing Samastipur P.S. Case No.
377 of 2019 dated 02.08.2019 registered under Sections
279/304(A) of Indian Penal Code.

ii. For a direction to the respondents particularly

respondent No.5 to submit Police Final Report/ Charge-sheet in Muffasil P.S. Case No. 377/2019 detail mentioning the cause of accident, name and address of the victims after taking the oral statement/evidences of witnesses of the family members of the deceased?

iii. For the issuance of show-cause to the concerned police officer who keeps the investigation pending for more than 3 years in the case of road traffic accident?

iv. For any other relief or reliefs as deem fit and proper in the facts and circumstances of the case?

Counsel for the petitioner submits that the petitioner is neither informant nor accused in this case. Counsel submits that the petitioner is a victim of the case. He submits that after amendment of 2009 in Code of Criminal Procedure, the concept of Victimology has been inserted in the Criminal Jurisprudence. Counsel has filed the Writ petition on the ground that the investigating officer/office incharge of the police station has not following the duty casted on him to furnish the particulars of vehicle involved in the accident in the law laid down under Section 160 of the Motor Vehicle Act, 1988, inserted in the year 2022 by virtue of Motor Vehicle (Amendment) Act, **32 of 2019**. The context of Section 160 of the Motor Vehicle Act, 1988 are

as following:-

160. Duty to furnish particulars of vehicle involved in accident.-A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleged that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.

Counsel for the State submits that the petitioner may be directed to represent himself before Superintendent of Police, Samastipur in the ***Surendra Singh Vs. State of Bihar & Ors.*** passed in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases, with regard to the reliefs.

The petitioner is directed to represent the entire matter before the Superintendent of Police, Samastipur within four weeks and the Superintendent of Police, Samastipur upon hearing the parties, shall take appropriate decision in the light of representation made by the above said case i.e. ***Surendra Singh Vs. State of Bihar & Ors.*** passed in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases, with regard to the reliefs.

With the aforesaid direction, this Cr. Writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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