



C.M.A.No.1960 of 2017

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R.SUBRAMANIAN, J.

and

N.SENTHILKUMAR, J.

This matter has been listed under the caption 'for being mentioned' at the instance of the learned counsel for the respondents.

2. In paragraph No.23 certain passage has to be incorporated and after incorporation, paragraph No.23 will read as follows:-

“ 23. We find, in the recent past, there is a considerable spike in the number of cases where, or we can even say negligence on the part of the Traffic Investigating Wing of the Police Department. The Director General of Police, CID Crime-I Office, Gujarat has issued the following circular:

“Sub: Requirement of Mobile location and
call details of the accused/ affected persons in
the offence of vehicular accident.”

This is to inform on above mentioned subject that, as per the letter Home ministry of Gujarat State vide resolution number MVA/102016/COURT/31/PA/FA-1/V Dated 24/11/2019, to constitute the Special Investigation Team (SIT) for verification of Motor accident claim tribunal (MACT) cases. The SIT has been framed for Motor Accident Claim, under the direct supervision



of Additional DGP, crime-1, CID crime Gujarat state Gandhinagar for the all cities/ districts of Gujarat State under the instruction DGP, CID crime and railways, Gujarat state, Gandhinagar.

There are numbers of offences pertaining to vehicular accident being reported at the different districts. The local police register the incident vide various heads such as vehicular accident/ JANVA JOG ENTRY/ AD. The claim applications are being filed at various Motor Accident Claims Tribunals by driver of the vehicle/ affected person/ complainant/ accused for compensation as a third party from the Insurance Companies. The efforts are being made to get the compensation by the driver of the vehicle/ affected person/ complainant/ eye witnesses/ accused showing their presence/ absence according to the situation and that the false evidence/ witness is being created and produced before the investigating officer to prove them to be a third party by any means adopting mal practice. The following points if adhered, such mal practice can be curbed. The ratio of false and fraudulent claim application can be reduce. You are hereby requested to circulate to the police station in charge/ employees of the police station of your district/ city to incorporate following



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points during the investigation of vehicular accident.

- 1. The mobile call location of the affected person, the driver of the offending vehicle, the person who gives information of the accident, the eye witness shall be collected from the concerned mobile service provider and the call detail records of above mentioned persons of one month from the date of accident. The said record has to be incorporated in the charge sheet along with other statements.*
- 2. The CC TV footage of the site of the accident and of nearby area shall be collected and kept in the record of investigation.*
- 3. It has been observed that many a times the accident is reported as Janvajog or accidental death report. The investigating officer shall follow the same procedure as narrated above.”*

We find that if such steps are taken in our State also, the malpractice pointed out by us, particularly planting of vehicles can be curbed to a great extent. We leave it to the wisdom of the Authorities to consider emulating the practice that has been put in place in Gujarat. Another factor which leads to this planting of vehicles is inadequacy of the compensation provided by the State in case of hit and run accidents.”



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3. Registry is directed to incorporate the above passage in
paragraph No.23.

(R.S.M., J.) (N.S., J.)
22.12.2023

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