

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 434 of 2016

Anil Dutta, S/o Late Rashbihari Dutta, R/o Village Poddar Para, Jharia,
P.O.-Jharia, P.S.-Jharia, Dist.-Dhanbad Appellant

Versus

Union of India through General Manager, East Central Railway, Hajipur,
P.O. & P.S.-Hajipur, Dist.-Hajipur, Bihar Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Lukesh Kumar, Advocate
Md. Belal Asharaf Khan, Advocate

For the Respondent : Mr. Sunil Kumar, C.G.C.

Oral Order

10 / Dated : 19.08.2025

1. The appellant is the father of the deceased, who died in a railway accident while alighting from a moving train resulting in his accidental death.
2. The learned Tribunal rejected the claim for compensation in Case No. OA(IIU)/RNC/2013/0099 vide judgment dated 15.12.2015 and aggrieved by the same, this instant appeal has been preferred.
3. It is submitted by learned counsel for the appellant that, there is no dispute whatsoever that the deceased died in a railway accident while he was trying to get down from moving Train No. 53521 UP Asansol-Varanasi at Netaji Subhash Chandra Bose Gomoh Junction at Platform No. 4. The oral and documentary evidences have been led which have not been controverted by the Railways in this regard. The sole ground on which the compensation has been denied, is under Section 124-A of the Railways (Amendment) Act, 1994 which will not be applicable in the present case, since it is in cases where the injuries are self-inflicted like in cases of Criminal Injury Compensation Authority.
4. It is further contended that accidents ordinarily occur when trains are in motion and not when they are stationary. To argue that no claim for compensation is maintainable because the train was moving and the deceased attempted to alight, would in fact amount to rewrite the very meaning of "accident."

5. Mr. Sunil Kumar, learned counsel appearing on behalf of the Railways, has vehemently defended the impugned order and submitted that Section 124-A of the Railways Act, 1989 has inserted an excluding incidence where the injury is self-inflicted. The accidental injury having been caused while the train was still moving and the deceased acting rashly and negligently trying to get down from it was the proximate cause of accident. In this view of the matter, the claimant is not entitled to get compensation.
6. In order to appreciate the plea raised, Section 124-A of the Railways Act, 1989 is extracted below:

“124-A Compensation on account of untoward incidents- When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger died or suffers injury due to-

- (a) Suicide or attempted suicide by him;
- (b) Self-inflicted injury;
- (c) His own criminal act;
- (d) Any act committed by him in a state of intoxication or insanity;
- (e) Any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.”

7. The self-inflicted injury fell for interpretation by the Hon’ble Apex Court in para12 of the case of **Jameela and Ors. Vs. Union of India reported in (2010) 12 SCC 443**, wherein it has been held that in order to bring an act within the four corners of Section 124-A of the Railways Act, the criminal act should be done with malicious intent or *mens rea*.

Standing at the open doors of the compartment of a running train may be a negligent act, even a rash act but, without anything else, it cannot be said to be a criminal act. Further in **Union of India Vs. Rina Devi {(2019) 3 SCC 572}**, in para 16.6, it has been held that self-inflicted injury would require intention to inflict such injury and not mere negligence of any particular degree.

8. Under the above stated position of fact and law, this Court is of the view that tribunal erred in denying compensation only on the ground that the deceased had tried to alight from a moving train. The said act will not come within the exceptions carved out, as there was no intention to inflict self-injury. Accordingly, the judgment dated 15.12.2015 is set aside.
9. The claimant/appellant is entitled to compensation of Rs.4,00,000/- with interest @ 9% from the date of accident or maximum Rs.8,00,000/-, whichever is higher.

This Miscellaneous Appeal is accordingly allowed. Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

Satayendra