

FORM 54
{See rule 150(1)and (2)}
ACCIDENT INFORMATION REPORT

1. Name of the police station : **P.S Gorubathan**
2. CR No./Traffic accident report : Case No -5/21 Dtd. 27/01/21 u/s 279/337/338/304A IPC
3. Date, time and place of the accident : On 26/01/2021 at 16.00 hrs at near Amboik T .G. Lava Road PS Gorubathan.
4. Name and full address of the injured/ Deceased :
A) Deceased Tariful Islam(27 Yrs) S/O Rafikul Miya of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Mabazar Dist-Jalpaiguri
B) Injured Gourav Lohar @ Eliakin Lohar S/O James Lohar of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Mabazar Dist-Jalpaiguri _
5. Name of the hospital to which he/she was removed :
A)Deceased Tariful Islam brought dead at Gorubathan BPHC and shifted to North Bengal Medical College ,Siliguri for PM examination.
B)Injured Gourav Lohar @ Eliakin Lohar treated at Odlabari Rural Hospital and shifted toMalbazar Hospital .,
6. Registration number of vehicle and the Type of the vehicle : WB-73D-6620 (Bolero) and Motor cycle WB-72-T-6751
7. Driving license particulars :
(a) Name and address of the driver :
(i) Asesh Rai (23 yrs) S/O Gorey Rai of Amboik T.G. PS- Gorubathan, Dist-Kalimpong (Accused driver of Bolero WB 73 D-6620)
(ii) Tariful Islam (27 yrs) S/O Rafikul Miya of Leesh River T.E. (Kalagaiti line) PO-Bagrakote , PS-Malbazar, Dist- Jalpaiguri.(deceased -rider of Motor cycle WB 72T-6751)
(b) Driving license number and date of Expiry date :
(i) Driving license no. 687/2016 of Asesh Rai , Expiry date 26.4.2021
(ii) Driving license no. WB-7120190005075 of Tariful Islam , Expiry date- 04/07/2039.
(c) Address of the issuing authority :
(i) Licensing Authority , Kalimpong
(ii) L.A. Jalpaiguri
(d) Badge No in case of public service Vehicle. N.A.
8. Name and address of the owner of the vehicle at the time of the accident. :
(i) Santosh Lama S/O Lt. Dhendup Lama of Upper Amboik Busty ,PS-Gorubathan ,Dist-Kalimpong (Owner of Bolero WB 73D-6620)
(ii) Sougata Dutta S/O Ram Mohar Dutta of Milan Pally , PS-Mal , Dist Jalpaiguri (appoint lawful Attorney to Sariful Islam S/O Rafikul Miya of Leesh River T.E., PO Bagrakote , PS-Mal,Dist-Jalpaiguri on 4.1.2021)
9. Name and address of the insurance company with whom the vehicle was insured and the particulars of the Divisional Officer of the said insurance company :
(i) TATA AIG General Insurance Co. Ltd. Vide Policy No. 064001/ABIL/0187556063/000000/00 in the Name of TVS Apache RTR Disc motor cycle vide Chasis no. MD 367AE71J2H73856, Engine No. AE 7HJ2270561 (WB 72 T-6751 Motor cycle) valid upto 8.11.2018 to 07/11/2023.
(ii)United India Insurance Company Ltd. Previous Policy No. BNGCR9984736574L (Present Policy no. 0319003120P113399513 of Bolero WB73D6620)
10. Number of insurance policy/insurance certificate and the date of validity of the insurance policy/insurance certificate. :
(i)Valid upto 07/11/2023 of WB 72 T-6751 Motor cycle
(ii) new validity upto 17.2.22 of Bolero WB73D6620

11. (i) Registration particulars of the vehicle
- (class of vehicles) : MAX CAB
- (a) Registration No. : WB 73D 6620
- (b) Engine number of Motor number in
The case of Battery Operated Vehicles) : Engine No. GHF 4 D 71238
- (c) Chasis No. : MA 2 WG 2 GHKP 5051013
- (ii) Registration particulars of the vehicle
- (class of vehicles) : M-Cycle/Scooter
- (a) Registration No. : WB 72 T 6751
- (b) Engine number of Motor number in
The case of Battery Operated Vehicles) : AE 7HJ2270561
- (c) Chasis No. : MD 367AE71J2H73856
12. Route permit particulars :N/A.....
13. Action taken, if any and the result... **Submitted Charge sheet vide Gorubathan PS C/S No-33/21 Dtd. 31/10/21 u/s 279/337/338/304A IPC**

Submitted

(Under Section 173 Cr.P.C.)

IN THE COURT OF- The Id.Chief Judicial Magistrate,Kalimpong Court;

1. Dist-Kalimpong, P.S.-Gorubathan PS, Year-2021, FIR No-05/2021 Date-27/01/2021

2. Final Report/Charge Sheet No.-33/2021 3. Date-31/10/2021

4. i) Act.....IPC Section- 279/337/338/304A/IPC

5) Type of Final Report: Charge Sheet/Untraced/Un occurred /Not Charge-Sheeted for want of evidence

Charge Sheet

6) If F.R. unoccurred: False/Mistake of fact/Mistake of law/Non-cognizable/Civil nature.

7. If Supplementary or Original Original

8. Name, Rank and Number (if any) of the I.O. (s) : 1st I.O. SI Chandra Bahadur Bhujel, 2nd I.O. SI Sankar KumarSarkar & 3rd I.O. SI Surendra Singh Bedi.

9. a) Name of Complainant/Informant- Md. Ersad Hossain :

b) Father's/Husband's Name- Nibaban Rahaman

10. Date on which the Complainant/ Informant was informed of the result: On-31/10/2021.

11. Details of Properties/Articles/Documents recovered/Seized during investigation and relied upon separate list can be attached, if necessary:

| Sl. No. | Property Description | P.S. Property Register No | From whom/where Recovered or Seized | Disposal |
|---------|---|---------------------------|-------------------------------------|------------------------------------|
| 1. | (i) One vehicle bearing registration no. WB 73 D 6620 (Bolero) hired vehicle of Excise Dept. Gorubathan in Silver colour | 08/21 | P.O. | ZIMMANA MA |
| 2 | (i)One Motor cycle bearing No. WB 72 T 6751, Apache, RTR 160 TVS , Right side leg guard screech mark and Right side Foot stand broken.Right side indicator light broken condition. | 09/21 | P.O. | DO |
| 3 | (i) One copy of original driver licence bearing No. 687/2016 in the name of Aesh Rai S/O Gorey Rai of Amboik Tea Garden, Gorubatha, Kalimpong valid up to 26.04.2021 | 10/21 | DRIVER | KEPT IN MALKHAN A |
| 4 | (i) one original registration certificate in r/o vehicle bearing no. WB 73 D 6620 (Bolero) in the name of Sri Santosh Lama S/O Dhendup Lama of Uprer Amboik busy, Gorubathan, Darjeeling. | 11/21 | SANTOSH LAMA | ZIMMANA MA |
| 5 | (i)One RC book in r/o Motor cycle bearing no. registration no. WB 72-T/6751 Chasis no. MD 367AE71J2H73856, Engine No. AE7H.2270561 in the name of owner Sougata Dutta W/O Ram Mohan Dutta of Milian pally, PS-Malbazar, Dist-Jalpaiguri valid up 04/02/2033 (ii) Ore Insurance certificate of Tata AIG General Insurance co.Ltc. vide policy no. 064001/ABIL/0187556063/000000100 in r/w TVS Apache RTR DISC Motor cycle vide Chasis no. MD 367AE71J2H73856, Engine No. AE7HJ2270561 valid upto 08/11/2018 to 07/11/2023 (iii) One Tax Token certificate in r/w Motor cycle vide Chasis no. MD 367AE71J2H73856, valid upto 08/11/2018 to one time. (iv) Ore pollution certificate in r/w motor cycle bearing registration no. WB 72 T/6751 valid upto 13/09/2019 | 15/21 | SARIFUL ISLAM | ZIMMANA MA (EXCEPT DRIVER LICENCE) |

| | | | | |
|---|---|-------|----------|-------------|
| 6 | (v) One driving license vide no. WB 7120190005075 in the name of Torfikul Islam S/O Rofikul Islam of Kalagani, Lish River Tea Garden PS- Malbazar, Dist-Jalpaiguri valid upto 04/07/2039 (vi) One authorization certificate in the name of Torfikul Islam S/O Rofikul Islam of Lish River Tea Garden, Kalagani Line, PO-Bagrakote, PS- Mal, Dist-Jalpaiguri vide D/L no. WB 7120190005075 in r/w vehicle no. WB 72-T/6751 issued by Registered owner Sougata Dutta vide Notory, Govt. of West Bengal, Regd. No 73/07 dt. 04/01/2021 valid upto 03/06/2021. One Authorisation letter in the name of Aesh Rai (accused driver) issued by the registered owner Santosh Lama S/O Lt. D.D.Lama of Amboik Busy, PS-Gorubathan of owner of vehicle no. WB 73D 6620 (Bolero). | 64/21 | Aesh Rai | TAG WITH CD |
|---|---|-------|----------|-------------|

11. A. Number of accused persons charge-sheeted:-(01)

11. B. Number of accused persons not charge-sheeted:- Nil

12. Particulars of accused persons charge-sheeted.

i) Name:- (1) Aesh Rai

ii) Father's/Husband's Name: Goray Rai

iii) Date/Year of birth:

iv) Sex : Male

v) Nationality: Indian

vi) Religion : Hindu

vii) Whether S/C/S/T:

viii) Occupation:

ix) Address:(i) vill- Amboik Tea Garden, PS-Gorubathan, Dist-Kalimpong.

x) Provisional Criminal No

xi) Regular Criminal No

xii) Date of Arrest:- 27/01/2020.

xiii) Date of release on bail

xiv) Date on which forwarded to Court-

xv) Under Acts and Sections 279/337/338/304(A) IPC.

xvi) Name(s) and Address (es) of sureties

xvii) Previous Convictions with case reference

xviii) Forwarded/ Bail by Police/ Under Police Custody/Bailed by Id.Court/ In Judicial Custody/ Absconding/Proclaimed Offender:.

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(Attach separate sheet, if necessary)

13. Particulars of accused persons not charge-sheeted (Suspected):-Nil

i) Name:- Nil

ii) Father's/Husband's Name Nil

iii) Date/Year of Birth:- Nil

iv) Sex:- Nil

v) Nationality:- Nil

vi) Religion:- Nil

vii) Whether S/C/S/T:- Nil

viii) Occupation:- Nil

ix) Address:- Nil

x) Provisional Criminal No:- Nil

xi) Suspicion Approved:- Yes / No

xii) Forwarded/ Bailed by Police/ Bailed by Court/ In Judicial Custody/ Absconding /Proclaimed Offender

xiii) Under Acts and Sections:-

xiv) Any Special remarks including reasons for not Charge-Sheeting.

14. Particulars of witnesses to be examined:

| Sl. No | Name, parentage and address of the person examined | Type of evidence To be tendered |
|--------|---|--|
| 1 | M.D. Ehsad Hossain S/O Nabibar Rahaman of Vill- Golabari P.O Purba Dalai Gaon, P.S Malbazar Dist -Jalpaiguri | Complainant |
| 2 | Santosh Lama (36 yrs) S/O Lt Dhendup Lama of Dhipi Dara, Amboik Busty, PS-Gorubathan Dist-Kalimpong (owner of offending vehicle WB 73 D 6620) | Witness |
| 3 | Israil Mia (43 yrs) S/O Formud Mia of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Malbazar Dist-Jalpaiguri | Chance witness |
| 4 | Ahul Mia (32 yrs) S/O Jobbar Mia of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Malbazar Dist-Jalpaiguri | Scribe |
| 5 | Gourav Lohar @ Eliakin Lohar S/O James Lohar of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Malbazar Dist-Jalpaiguri. | Eye witness |
| 6 | Sariful Islam (28 yrs) S/O Rafikul Miya of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Malbazar Dist-Jalpaiguri | Hearsay witness |
| 7 | PSI Rohit Bhagat of Gorubathan PS, Dist-Kalimpong | EO of GBN PS U/D Case No. 05/21 |
| 8 | Md.T.Khan, Medical Officer, Odlabari rural Hospital, PS-Malbazar, Dist-Jalpaiguri. | Medical Report |
| 9 | Dr. Abhishek Mondal of Gorubathan B.P.H.C. PS-Gorubathan, Dist-Kalimpong. | Medical report |
| 10 | Dr. Rumi Maitra, Demonstrator, Dept. of P.M. & Toxicology, N.B. Medical College, PS-Matigara, Siliguri | PM report |
| 11 | Ld. Judicial Magistrate, Gorubathan Court | Recorded statement judicially U/S 164 CrPC |
| 12 | SI. Sourav Ghosh | RO |
| 13 | SI. Chandra Bahadur Bhujel | 1 st IO |
| 14 | SI. Sankar Kr. Sarkar | 2 nd IO |
| 15 | SI Surendra Singh Bedi | 3 rd IO |

15. If FIR is false, indicate action taken or proposed to be taken U/S 182/211 IPC. N/A

16. Result of laboratory analysis: N/A

17. Brief facts of the case is that : The brief fact of the case is that on 27/01/2021 received a written complaint from One M.D Ehsad Hossain S/O Nabibar Rahaman of Vill- Golabari P.O Purba Dalai Gaon, P.S Malbazar Dist - Jalpaiguri to the effect that on 26/01/2021 at around 16:15 hrs his son of his uncle namely Tariful Islam (27 Yrs) S/O Rafikul Miya of Leesh River T.E (Kalagaiti line) P.O Bagrakote P.S Malbazar Dist-Jalpaiguri and One another person named Gourav Lohar S/O James Lohar (23 Yrs) of same locality while returning from lava with a Motor Cycle bearing No. WB-72-T-6751. On way near Amblok Tea Garden One Bolero Vehicle bearing No. WB-73D-6620 coming from opposite side as a wrong side and met accident due to rash and negligent driving of the driver, the both Motor cycle rider Tariful Islam (27 Yrs) and Gourav Lohar received injury on their person and local persons send Gourav Lohar to Mal S.D Hospital and Tariful Islam (27 Yrs) brought to Gorubathan B.P.H.C where the attending Doctor declared through dead. Over the written complaint started above noted reference case and on being endorsed by OC P.S SI Chandra Bahadur Bhujel took up its investigation.

Despatched at: a.m./p.m.

SI Surendra Singh Bedi
31/01/21

Signature of the Investigation Officer
Submitting the Final report/Charge sheet

Name:-SI Surendra Singh Bedi

Rank: SI of Police

Number, if any: Gorubathan PS

Date: 31.10.2021

Contd.

During investigation of the case previous 1st IO. SI. Chandra Bahadur Bhujel visited the PO, prepared rough sketch map with its index in a separate sheet of paper in c/w the case. During investigation he examined the complainant, available witnesses and recorded their statement U/S 161 Cr.P.C. in c/w the case. During investigation he seized the offending vehicle and victim vehicle along with other related paper under proper memo of seizure duly signed by the witnesses in c/w the case. During investigation he arrested the accused driver Aashesh Rai (23 Yrs) S/O Gorey Rai of Amblok Tea Garden P.S Gorubathan Dist-Kalimpong. on 27/01/2021 and forwarded him before Ld. Court on the same day. During investigation he collected the mechanical expert report of offending vehicle having No WB 73 D 6620 (Bolero) from Bhola Nath Barui, Automobile Engineer and Mechanical Expert in which mechanical expert opined that "In my opinion the accident occurred due to other than mechanical failure"

After transfer of previous IO. SI. Chandra Bahadur Bhujel the case is re-endorsed to SI Sankar Kumar Sarkar. Accordingly he took up its investigation. During investigation he visited the PO and examined available witnesses and recorded their statement U/S 161 Cr.P.C. in c/w the case. During investigation offending vehicle No WB 73 D6620 was releases as per order of Ld. Court with proper investigation. During investigation previous 2nd IO SI Sankar Kumar Sarkar examined the EO of Gorubathan PS U/D case No. 05/2021 Date 26/01/2021 arising out in c/w the case namely PSI. Rohit Bhagat of Gorubathan PS and recorded his statement U/S 161 Cr.P.C. in c/w the case. He also arrange mechanical examination of the accident motor cycle WB 72 T/6751 from Bholanath Barui and collected mechanical report. During investigation previous 2nd IO SI Sankar Kumar Sarkar tried to collect the PM and injury report but as he was transferred and could not collected the same.

Again, After transfer of previous IO. SI. Sankar Kumar Sarkar the case is re-endorsed to me. Accordingly I took up its investigation. During investigation I visited the PO and but no more chance /eye witnesses found who were acquainted with this case. During investigation accident motor cycle No WB 72 T 6751 was released as per order of Ld. CJM, Kalimpong Court with proper Zimbanama. During investigation collected the PM report from North Bengal Medical College and also collected injury report of injured person Gourav Lohar @ Eliakin Lohar S/O James Lohar of Leesh river Tea Garden, PO Bagrakote, PS-Mal, Dist-Jalpaiguri from Odlabari Rural Hospital and Bed head ticket from Mal bazar S.D.Hospital in c/w the case. During investigation arrange to record the statement judicially of eye witness Gourav Lohar @ Eliakin Lohar U/S 164 Cr.P.C. I also seized the authorization letter in the name of Aashesh Rai (accused driver) S/O Gorey Rai of Amblok T.G. PS-Gorubathan, KPG issued by the registered owner Santosh Lama of Vehicle No. WB 73 D 6620 (Bolero) which is enclosed herewith in CD.

During investigation of the case it revealed that on 26.1.2021 at about 16.20 hrs offending vehicle bearing registration No WB-73-D 6620 (Bolero) was proceeding from Gorubathan towards Kalimpong via Lava road to bring Excise officer as per direction of excise officer, Gorubathan. On way under Amboik Tea Garden area on Lava road met with an accident with the motor cycle coming from the opposite as a result the motor cycle rider Tariful Islam (27 yrs) and Pillion rider Gourav Lohar @ Eliakin Lohar received injuries on their persons and the rider Tariful Islam (27 yrs) was brought to Gorubathan BPHC and attending doctor declared through dead. Over this Gorubathan PS UD case no. 05/21 dt. 26.1.2021 started and PSI Rohit Bhagat forwarded the dead body to NBMC Siliguri after completion of UD case enquiry formalities. Another pillion rider Gourav Lohar @ Eliakin Lohar was taken to Odlabari Rural Hospital for primary treatment and thereafter admitted at Mal S.D.hospital on 26.1.2021.

During investigation as per the statement of witnesses and the injured persons it came to learnt that the accident was occurred due to rash and negligent driving by the accused driver Aashesh Rai (23 yrs) S/O Gorey Rai of Amblok Tea Garden PS-Gorubathan, Dist -Kalimpong in c/w the case.

During investigation prima facie charge U/S 279/337/338/304(A) IPC has been well established against accused driver of offending vehicle No WB-73-D 6620 (Bolero) Asesh Rai (23 Yrs) S/O Goray Rai of Arbiok Tea Garden P.S Gorubathan Dist-kalimpong in c/w the case. I consulted this case with my superior and placed the CD before them. On perusing the CD, they were pleased to direct me to submit Charge sheet in this case U/S 279/337/338/304(A) IPC against the above noted person.

Hence, I am submitting charge sheet in this case vide Gorubathan PS Charge sheet No. 33/21 dt. 31/10/2021 U/S 279/337/338/304A IPC against above noted accused person in noted Col no. 12 to stand trial in the open court of law the witnesses as noted in Col no. 14 will prove the case during trial. The result of the investigation has been informed to the complainant.

Submitted,

SI Surendra Singh Bedi

(SI Surendra Singh Bedi) 31/10/21

Gorubathan PS
Dist-Kalimpong