

FORM 54
ACCIDENT INFORMATION REPORT
(Rule 150(1) of Central Motor Vehicle Rule 1989)

1. Name of the police station :- Kalimpong P.S.
2. CR No/ Traffic Accident Report (FIR/Crime No) :- Kalimpong P.S. case No. 88/23 Dt. 07.07.2023 U/S 279/337/338 IPC.
3. Date, time and place of the accident :- On 07.07.2023 at 09.15 hrs
In between Mamkhola & 7th Mile, NH-10,
PS+Dist- Kalimpong
4. Name and full Address of the injured / ~~deceased~~ :- (i) Seraj Ali(23 Yrs)
S/O Satar Ali
of Samdong, PS-Sadar Gangtok,
East Sikkim
5. Name of the hospital to which he /she was
Examined/Forward :- Rangpoo Sikkim Hospital
6. Registration number and type of vehicle :- SK-01-Z/1127 (Mahindra Xylo)
7. Driving license particulars:
- (a) Name and address of the Driver :- Seraj Ali (23 yrs)
S/O- Satar Ali
R/O- Samdong, PS- Sadar Gangtok
Dist- East Sikkim
- (b) Driving license number and date of expiry :-BR 552020 0001326 Date of Issue:
25.02.2020 Valid upto 30.03.2039.
- (c) Address of the issuing authority :- RTO, Jorethang, South Sikkim
- (d) Regd. No. in case of Public service vehicle :-
8. Name and address of the owner of the vehicle at
the time of the accident. :- Bhakta Bdr Lohar,
R/O-Chongey, Bhusuk,
PS- Sadar Gangtok,
East Sikkim
(Ph-8159076413)
9. (I) Name and address of the insurance company : Reliance General Insurance Company LTD
with whom the vehicle was insured and the
Particulars of the Divisional Office of the said
Insurance Company

10. Number of Insurance Policy : Policy No. 110322223400002869
/ Insurance Certificate and the
Date of Validity of the Insurance Police valid till: 08-07-2023
Policy/ Insurance Certificate

11. Registration Particulars of the vehicle (Class of the vehicle):- SK-01-Z/1127 (Xylo)

Owner name : Bhakta Bdr Lohar,
R/O-Chongey, Bhusuk,
PS- Sadar Gangtok,
East Sikkim
(Ph-8159076413)

12. Registration No & Class of vehicle: SK-01-Z/1127 (Xylo)

i) Engine No. :- MLK4D18416
ii) Chassis No. :- MA1PT2MLXK2D42146

13. Route Permit his particulars: - N/A

14. Action taken if any and the result there on:

FORM 54
ACCIDENT INFORMATION REPORT
(Rule 150(1) of Central Motor Vehicle Rule 1989)

1. Name of the police station :- Kalimpong P.S.
2. CR No/ Traffic Accident Report (FIR/Crime No) :- Kalimpong P.S. case No. 88/23 Dt. 07.07.2023 U/S 279/337/338 IPC.
3. Date, time and place of the accident :- On 07.07.2023 at 09.15 hrs
In between Mamkhola & 7th Mile, NH-10,
PS+Dist- Kalimpong
4. Name and full Address of the injured / deceased :- (i) Seraj Ali(23 Yrs)
S/O Satar Ali
of Samdong, PS-Sadar Gangtok,
East Sikkim
5. Name of the hospital to which he /she was
Examined/Forward :- Rangpoo Sikkim Hospital
6. Registration number and type of vehicle :- SK-01-B/0662 (Bus)
7. Driving license particulars:
- (a) Name and address of the Driver :-
- (b) Driving license number and date of expiry :-
- (c) Address of the issuing authority :-
- (d) Regd. No. in case of Public service vehicle :-
8. Name and address of the owner of the vehicle at
the time of the accident. :- General Manager, SNT Deptt,
Govt of Sikkim, Gangtok-737101
9. (I) Name and address of the insurance company : United India Insurance Company
LTD
with whom the vehicle was insured and the
Particulars of the Divisional Office of the said
Insurance Company
10. Number of Insurance Policy : Policy No. 0319053122P103542527
/ Insurance Certificate and the
Date of Validity of the Insurance
Policy/ Insurance Certificate Police valid till: 09.08.2023

11. Registration Particulars of the vehicle (Class of the vehicle):- SK-01-B/0662 (Bus)

Owner name : General Manager, SNT Deptt,
Govt of Sikkim, Gangtok-737101

12. Registration No & Class of vehicle: SK-01-B/0662 (Bus)

- i) Engine No. :- SLT4FT244040
- ii) Chassis No. :- MBUZT54XGT0250987

13. Route Permit his particulars: - N/A

14. Action taken if any and the result there on:

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1988

10 copy

Dist. Kalimpong P.S. Kalimpong Year 2023 FIR No. 88/23 Date 07-7-23
 i) Act. IPC Sections 279/337/338

(iii) Act. Sections (iv) Others Acts & Sections

(a) Occurrence of Offence : Day Date From 07-7-23 Date ToTime Period Time From 09-15 hrs. Time To(b) Information received at P.S. Date 07-7-23 Time 15-45 hrs.(c) General Diary Reference : Entry No(s) 29E Time 15-45 hrs.

Type of Information : Written / Oral

Place of Occurrence : (a) Direction and Distance from P.S. 19 Km / North Beat No. SL No 02(d) Address In between Mamkhola and E.M. Mile,

(e) In case outside limit of this Police Station, then the

Name of the P.S. District

Complainant / Informant :

(a) Name Sri - Hindalakeshwar Basnet(b) Father's / Husband's Name Sri - Keshari Chandra Basnet

(c) Date / Year of Birth : (d) Nationality

(e) Passport No. Date of Issue : Place of Issue

(f) Occupation

(g) Address Mamring, Satala Gikim P.S. Mamring.Details of known / suspected / unknown accused with full particulars - Driver of vehicle bearing(Attach separate sheet, if necessary) : Regd NO - SK-012-112E (2x16)

Reasons for delay in reporting by the Complainant / Information

Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

Total value of properties stolen / involved

Inquest Report / U.D. Case No., if any

FIR Contents (Attach separate sheets, if required) : The original written complaint is enclosed as FIR is enclosed herewith reproduced over leaf.Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., registered the case and took up the investigation / directed S.I. Alamgir Sarkar & Melli S.P.

investigation / refused investigation / transferred to P.S. on point of

jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

10/7/23
21/7/23

To
The OC Malli Out post
Kalimpang Dist
W.B

Subject: Complain Letter.

Respected Sir,

I Hridayeshwar Basnett S/O
Kestav Chandu Basnett L/O Manning South Lakhim
P/S Manning beg to inform you that today on 7/7/23
travelling by one SUV bus bearing no: 84013 0862
from Rangpo to Liligori and while travelling in between
Marakata at 1st mile around 09:15 am one 2410
Vehicle bearing no: SK 012 1127 coming from North
on a high speed and ~~see~~ negligent driving by
driver and hit to the bus as a result bus driver
and some passenger including 2410 driver got major
injured and shifted them to the nearest hospital
Rangpo Lakhim but I did not get any injury
because I was sitting in the back seat of the
bus.

Therefore, I request to you that please
take necessary action as per the law.

Thanking you.

Received on 07/07/23 at 15:45 hrs.
Vide Kalimpong PS GDE NO - 297 & 07/7/23
and Stopped Kalimpong PS Case NO
88/2023 & 07/07/23 W/S 279/338/338 PC.

Yours faithfully
Hridayeshwar Basnett

Lt Manning
South Lakhim
9724164619

07/7/23
Inspector-in-Charge
Kalimpang Police Station
Dist. Kalimpong

Received on
07-07-23
at 14:45 hrs.
Vide Melli
OPADEN-
157 dt
07-07-23 &
Forwarded to
I/C Kalimpong
PS with a
request to
start a specific
case.

07-07-23
OFFICER-IN-CHARGE
MALLI OUT POST
P.B. KALIMPONG

SEIZURE LIST

P.R NO.142/23

REF:- Kalimpong PS Case NO. 88/23 Dt. 07.07.2023 U/S
279/337/338 IPC.

1. DATE & TIME OF SEIZURE

On 14.07.2023 In between
17:15 hrs to 17:35 hrs.

2. PLACE OF SEIZURE

Melli OP under Kalimpong PS

3. FROM WHOM SEIZED

Tenzing G Lachungpa (484) 40-

4. NAME OF WITNESS

L. Tamding Lachungpa, R/O - Lachung
PS - Lachung, Dist - North Sikkim
General Secretary, SNT
Association, Ph-8016794276

(I) C/442 Suman Mahata

(II) CVF/289 Vivek Subba

Both of Melli OP
under Kalimpong PS.

5. DESCRIPTION OF SEIZED ARTICLES

(i) One R/C in support of vehicle Regd NO. SK-01-B/0662
Chassis NO MBU2T54X6T 0250987, Engine NO. SLT4-
FT44040, Owner Name - General Manager of SNT
Deptt. Govt. of Sikkim, Gangtok, East Sikkim, Colour -
Leaf Green, Body Type - Bus.

(ii) One D/L in the name of Kiran Baraily S/O Lt. AK Baraily
of Near Rest House, Ranipool, Gangtok, East Sikkim vide D/L
NO. SK-01 2003 0007798 validity - 21-06-2033 issuing authority
RTO Gangtok. (iii) Xerox copy of Journey slip in respect
of vehicle Regd NO. SK-01-B-0662 from
SNT department, Date of Journey - 07/07/23

6. SIGNATURE OF WITNESS

(I) C/442 Suman Mahata Time: 8:00 hrs.
- seized as a material.

(II) CVF/289 Vivek Subba

Seized by me

14/07/2023
CP Afang, Sankar
Melli OP, Kalimpong PS.

SEIZED BY ME

SEIZURE LIST

P.R NO. 138/23

REF :- Kalimpong PS Case NO. 88/23 Dt: 07/07/2023 U/S -
279/337/3381PC

1. DATE & TIME OF SEIZURE

On 12/07/2023 In between
15:20 hrs to 15:35 hrs.

2. PLACE OF SEIZURE

Multi OP under Kalimpong PS

3. FROM WHOM SEIZED

As being produced by Gyamcho Bhutia
(35y) S/O - Tashi Thendup Bhutia, R/O -
Pedong Bazar, PS - Pedong, Dist - Kalimpong

4. NAME OF WITNESS

(I) C/313 Nazibul Hoque

(II) CVF/289 Vivek Subbar

both of Multi OP under
Kalimpong PS

5. DESCRIPTION OF SEIZED ARTICLES :

(i) One Power of Attorney in support of vehicle Regd No.
SK-01-2/1127 (Mahindra Xylo) where the registered owner
Kumam Lohan S/O Bhakta Bdr Lohan Pro Chongestan, Bhutia
Sadan, East Sikkim Authorize, appoint and empower
Feroj Ali S/O - Satam Ali R/O Upper tintekpi, Rongdong
East Sikkim as his Lawful Attorney.

- seized as alarmist.

6. SIGNATURE OF WITNESS

(I) C/313 Nazibul Hoque

(II) CVF/289 Vivek Subbar

seized by me.



12/07/2023

S1 Alamgi Saman
Multi OP, Kalimpong PS.

GYAMCHO BHUTIA

SEIZURE LIST

P.R NO. 137/23

REF :- Kalimpong PS case NO. 88/23 Dt: 07/07/2023

V/S - 279/337/338 IPC

1. DATE & TIME OF SEIZURE

On 12/07/2023 In between 14:45 hrs to 15:15 hrs.

2. PLACE OF SEIZURE

MEU OP, under Kalimpong PS

3. FROM WHOM SEIZED

As being produced by Gyamcho Bhutia (35y), S/O - Tashi Thendup Bhutia

4. NAME OF WITNESS

R/O - Pedong Bazar, PS - Pedong, Dist - Kalimpong (Ph- 7427916222)

(I) 4313 Nazibul Haque

(II) CVF/289 Vivek Subba

born of MEU OP under Kalimpong PS

5. DESCRIPTION OF SEIZED ARTICLES : (i) One R/C in support of vehicle Regd NO. SK-01-2/1127 Date of Reg. 10-05-2019, Chassis NO. MAJPT2MLXK2D42146 Engine NO. MLK4D18416, Owner Name: Kumar Lohan S/O Bharta Bdr Lohan R/O Zongyatan, Bhuxuk, Sadan, East Sikkim, vehicle class - Luxury Cab colour - Diamond white.

(ii) One Insurance Certificate in support of vehicle Regd NO. SK-01-2/1127 vide Policy NO. 110322223400002869, Valid till 08/07/2023.

(iii) One Certificate of Fitness of vehicle Regd NO. SK-01-2/1127 valid till 07/07/2023

(iv) One permit in respect of tourist vehicle Regd NO. SK-01-2/1127 valid till 10/05/2024

(v) One PUC in support of vehicle Regd NO. SK-01-2/1127 valid till 02/08/2023

(vi) One Authorization Letter of the driver Sonraj Ali where Oshans Kumar Lohan authorized him to drive his vehicle valid till 01/10/2023

(vii) One D/L in the name of Sonraj Ali, S/O - Satam Ali, R/O - Samdong, Gangtok, East Sikkim vide D/L NO. BRSS20200001326 valid till 30.03.2024 Issuing authority RTO Jangthang, South Sikkim

6. SIGNATURE OF WITNESS

- Seized as a material.

(I) 4313 Nazibul Haque

(II) CVF/289 Vivek Subba

Seized by me.



12/07/2023

S1 Afamgi Samkan
MEU OP, Kalimpong PS

SEIZED BY ME

GYAMCHO BHUTIA



SEIZURE LIST

P.R No. 135/23

REF :- Kalimpong PS Case No. 88/23 Dt: 07/07/2023 U/S 279/337 / -
- 338 IPC

1. DATE & TIME OF SEIZURE

On 07.07.2023 In between
16:35 hrs to 17:25 hrs.

2. PLACE OF SEIZURE

At 7th mile beside NH-10 under
Kalimpong PS.

3. FROM WHOM SEIZED

4. NAME OF WITNESS

From the PO at 7th mile as shown
and identified by C/313 Nazibul
Hoque and C/435 Sumanta Mondal.

(I) C/313 Nazibul Hoque

(II) C/435 Sumanta Mondal

both of Melli OP under Kalimpong PS.

5. DESCRIPTION OF SEIZED ARTICLES :

(i) One (01) White Colour Mahindra Xylo vehicle
bearing Regd. NO. SK-01-Z/1127 With front
side damage condition.

(ii) One (01) Green Colour SNT (Sikkim Nationalised
Transport) Bus bearing Regd NO. SK-01-B/0662
with front side damage condition.


- seized as alamar.

6. SIGNATURE OF WITNESS

(I) C/313 Nazibul Hoque

(II) C/435 Sumanta Mondal

- seized by me.


09/07/2023

S1 Alamgi Sankar
Melli OP, Kalimpong PS.

SEIZED BY ME



Digitally signed by
Reliance General
Insurance Company
Limited
Date: 2022.07.09

reliancegeneral.co.in
022-4690 3009 (Toll Free)
1800 3009 (Toll Free)
74004 22200 (WhatsApp)

Reliance Commercial Vehicles (Passengers Carrying 4W>4 & 3W>17) Package Policy- Schedule

Policy Number: 11B322223400002889	Proposal/Governor No: R09072209529
Insured Name :MR.KUMAR LOHAR	Period of Insurance: From 11:05 Hrs on 09-Jul-2022 to Midnight of 08-Jul-2023
Communication Address & Place of Supply :S/O BHAKTA BAHADUR LOHAR,CHONGEYTA, BHUSUK, SADAR, EAST DISTRICT- GANGTOK, EAST SIKKIM,, SIKKIM,, INDIA,737101	Policy Issuing Branch : UNIT NO-202, 2ND FLOOR, LOTUS IT PARK, ROAD NO- 16, WAGLE INDUSTRIAL ESTATE, THANE (WEST), MAHARASHTRA, 400604
Mobile No :9609877784	Tax Invoice No. & Date :R09072209529 & 09 Jul 2022 12:56
Email ID : Santoshnakur90698@gmail.com	GSTIN/UIN & Place of Supply: SIKKIM

Insured Vehicle Details			
Registration No.	SK01Z1127	Mfg. Month & Year	APR-2019
Make / Model & Variant	Mahindra/Xylo & H4 M Hawk Crde Bslv 2wd	CC / HP / Watt	2179
Engine No./Chassis No.	MLK4D1841B/MA1PT2MLXK2D42146	LCC Including Driver	8
Type of Body	NA	Total Premium ₹	28897.00
RTO Location	SIKKIM - Gangtok,	Total IDV ₹	600000.00
Manufacturer fully build in	Yes	Hypothecation/Lease	Mahindra And Mahindra Financial Services Limited ,
Vehicle Category	Taxi	Vehicle Usage Type	Others
Vehicle Usage Sub Type			

Insured Declared Value (IDV)			
Chassis IDV ₹	0.0	Non Electrical Accessories ₹	0.0
Body IDV ₹	0.0	CNG / LPG Kit ₹	0.0
Vehicle IDV ₹	600000	Trailer / Side Car ₹	0.0
Electrical / Electronic Accessories ₹	0.0	Total IDV ₹	600000.00

Premium Summary			
Own Damage - Section I	Amount (₹)	Liability - Section II	Amount (₹)
Basic OD	3114.60	Basic Liability (TPPD 1)	20482.00
Covers for Lamps Tyres/Tubes parts etc (IMT-23)	467.19	Total Basic Liability Premium	20482.00
Total Basic Own Damage Premium	3581.79	PA Benefits - Section III	
TOTAL OWN DAMAGE PREMIUM	3581.79	Compulsory PA cover to Owner Driver	375.00
		Total PA Premium	375.00
		Legal Liability to paid driver and/or Conductor and/or cleaner	50.00
		TOTAL LIABILITY PREMIUM	20907.00
		TOTAL PACKAGE PREMIUM (Sec I + II + III)	24489.00
		IGST (@18.00 %)	4408.00
		TOTAL PREMIUM PAYABLE (₹)	28897.00

Subject to I.M.T. Endt. Nos. & Memorandum printed/herein/attached hereto. IMT: 40,23,21,7

GSTIN :27AABCR6747B1ZG,
HSN :997134, Description of services: Motor vehicle Insurance Service

As per the GST regulations, the amount of GST will not be refunded if the policy / endorsement is cancelled after 30th September of the next financial year

PA Nominee Details	Name	Age	Relationship
1	MRS	30	Spouse

Consolidated Stamp duty Paid vide Letter of Authorisation "NO.LOA/C6D/300/2022(Validity Period Dt.30/03/2022 to 30/03/2023)/1360" date 28th Mar 2022 at General Stamp Office, Mumbai. ** Not Applicable for the State of Jammu & Kashmir

11B32222 / Mahindra Insurance Brokers Ltd	9867315557	Insurance.care@mahindra.com	CZMPK7799B
Intermediary Code/Name	Intermediary Contact No.	Intermediary E-mail ID	POS UED Aadhar No. / PAN No.

Reliance General Insurance Company Limited. IRDAI Registration No. 103
Registered & Corporate Office: Reliance General Insurance Company Limited, 8th Floor, Oberoi Commerz, International Business Park, Oberoi Garden City, Off Western Express Highway, Goregaon (East), Mumbai - 400 063.
Corporate Identity No. U68603MH2000PLC128300. UIN: IRDAN103RP0012V02100001. Trade Logo displayed above belongs to Anil Dhirubhai Ambani Ventures Private Limited and used by Reliance General Insurance Company Limited under License: RGIMCOM/CO/PCV/PS/Ver. 1.3/310118.


UNION OF INDIA Driving Licence


GOVERNMENT OF SIKKIM
BR55 2020 0001326
Date of Issue **25-02-2020** Validity **30-03-2039**





Date of Birth **31-03-1999** Blood Group **B+**


Name
SERAJ ALI

Father's Name
SATAR ALI



BR55 2020 0001326

 **MCWG** **25-02-2020**
 **LMV** **25-02-2020**



Mobile No.
*******6253**

Endorsement Date
24-02-2022

Endorsement No.
SK04 /DLA/0000040/2022

Present Address
SAMDONG, GANGTOK (EAST), 737107

Signature of Designated Licensing Authority
DIVYA PRAKASH, VEHICLES INSPECTOR

Holder's Signature

License Authority
Motor Vehicle Department
RTO, JORETHANG, SOUTH SIKKIM

Form 7 Rule 16(2)

Date 14-07-2023.

MECHANICAL EXAMINATION REPORT

Ref: MALLI, O.P.D/R, No, 608 /2023. Dated. 13-07-2023.

PS: Kalimpong.

Case No. / M.A Case No.: 88 / 2023. Dated. 07-07-2023. U/S, 279 /337 /338. IPC.

Name and designation of the Motor Vehicle

Inspector/Expert: Bholanath Baruri / Automobile Engineer / Mechanical Expert .

Venue and Date of Examination : Malli Bridge Under Mallion 14-07-2023.
O.P.

1. Details of the Vehicle, (Attach close view and long view photo)

- a. Make MAHINDRA AND MAHINDRA LTD .
- b. Type XYLO .
- c. Model 2019 .
- d. Registration Number SK 01 Z 1127 .
- e. Chassis Number MA1PT2MLXK2D 42146 .
- f. Engine Number MLKD 18416 .
- g. Colour WHITE .
- h. Distinguishing Features (Basically please write if the vehicle can be identified without the registration number like some specific Name / Painting on the Body / Windscreen etc)
Nil .

1. General Description from outside - Eye View -

- a. Point of contact between the vehicles and signs of exchange of paint-

Nil .

- b. Description of damage caused (specify)-

Front show, bumper, mudguard, engine bonnet, XYLO body, front both side suspension, radiator, waterpump, engine fan is badly damage and front both side head and indicator light, front windshield glass, 3pcs door glass is broken, both side sideview mirror is broken.

- c. Any other point of interest-

Nil .

2. Condition of Brakes (Please attach Photographs)
- a. Are the brakes OK? Yes ☐ No ☒
- b. Are they worn out? Yes ☐ No ☒
- c. Whether the brakes show wear and tear due to sudden application of the brakes at the time of accident? Yes ☐ No ☒
- d. Are there signs of brake failure which could have lead to the accident? Yes ☐ No ☒
3. Condition of Tyres (Please attach Photographs)
- a. Do the tyres conform to the standards stipulated in MV act 1988? Yes ☒ No ☐
- b. Are the tyres worn out or resoled? Yes ☐ No ☒
- c. Do the tyres reveal any mark of skidding due to sudden deceleration by observing the wear and tear and the groove pattern? Yes ☐ No ☒
- d. Can the condition of the tyres be held responsible for the extra distance covered even after braking? Yes ☐ No ☐
- e. Were the tyres found punctured? If yes specify whether before or after the accident collision. Yes ☒ No ☐
- Front right side tyre is puncture after the accident .**
4. Condition of Gears -
- a. Whether the gear lever, gear pinion, gear handle and clutch were in flexible state at the time of accident? Yes ☒ No ☐
- b. Whether these parts are in sufficiently lubricated condition? Yes ☒ No ☐
5. Condition of Steering -
- a. Whether steering is adequately mobile? Yes ☐ No ☒
- b. Whether the tie rod is in perfect working condition? Yes ☐ No ☒
6. Condition of Lights -
- a. Whether the Head Light / Fog Light / Indicator of the vehicle are in working condition? Yes ☐ No ☒
- b. If not, is the same due to accident or were faulty even before the accident?
Light's are not working properly due to accident .
7. Condition of battery :-
What is the Condition of battery?
Battery is not working properly .

8. Condition of Rear View Mirrors -

- a. Are the Rear view mirrors present inside the vehicle, and both on the left and right side of the vehicle?

Yes ☒ No ☐

9. Rear-end conspicuity in cases of rear-end collision (CMVR, 1989, RULE NO. 104)

Nil .

10. Condition of Speed Governors:-

- a. Whether speed governor have been installed?

Yes ☒ No ☐

- b. Are they to operational condition?

Yes ☒ No ☐

- c. Have they been tampered with?

Yes ☐ No ☒

11. Condition of the Wipers-

- a. Were the Wiper operational prior to accident as can be ascertained from the present condition?

Yes ☒ No ☐

12. Whether EDR (Even Data Recorder) present or not?

Yes ☐ No ☒

13. Whether the joining points of the Axles of the vehicle with the wheels are in proper condition or not?

Yes ☒ No ☐

14. Overloading -

Was the vehicle overload? if yes, further remarks.

Nil .

15. Any other specific observations to highlight the condition or possible cause of the accident -

From the Technical point of view the cause of accident of the above mentioned vehicle appears to be other than mechanical failure .

Date and time of Examination of the vehicle
On 14-07-2023 at about 3.30 P.M.

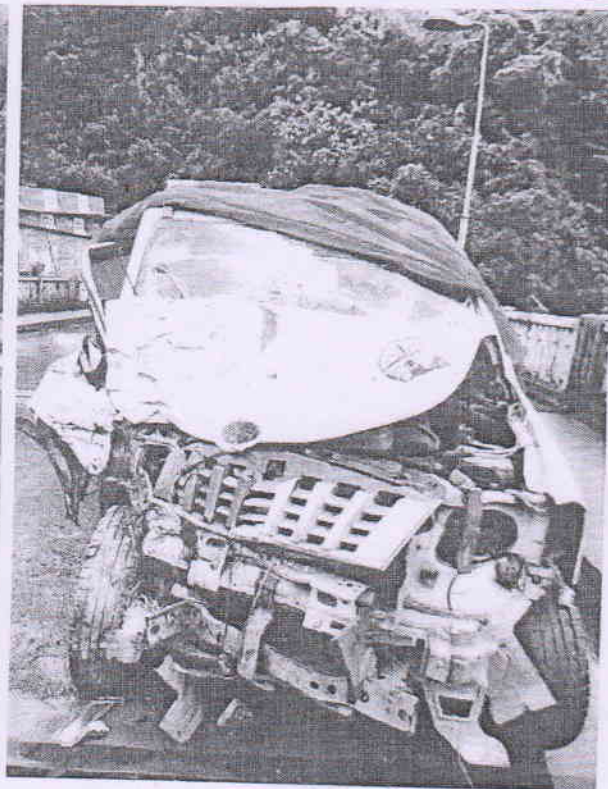
Signature of the Mechanical Expert


14.07.2023

Bhola Nath Barua
Automobile Engineer
Mechanical Expert

Photograph of Vehicle bearing registration no
SK-01-Z-1127, MAHINDRA XYLO

Date **14-07-2023.**



Bholanath Baruri
Automobile Engineer Mechanical Expert

(Signature)
14/07/2023

Bhola Nath Baruri
Automobile Engineer
Mechanical Expert

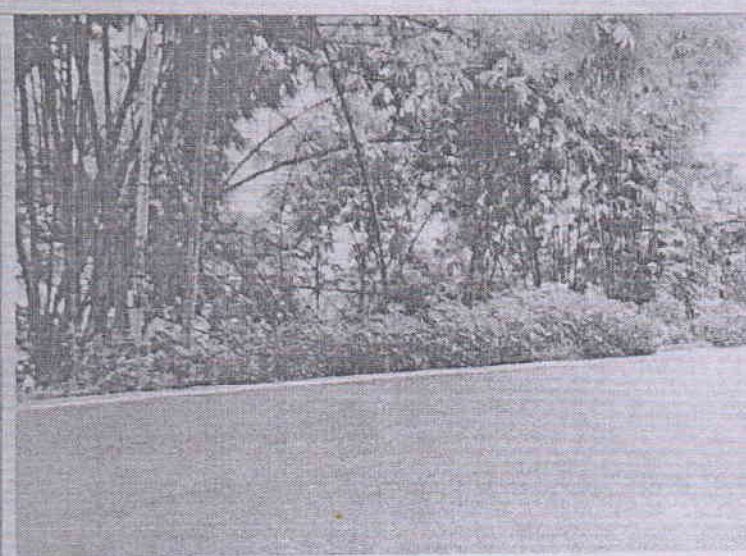
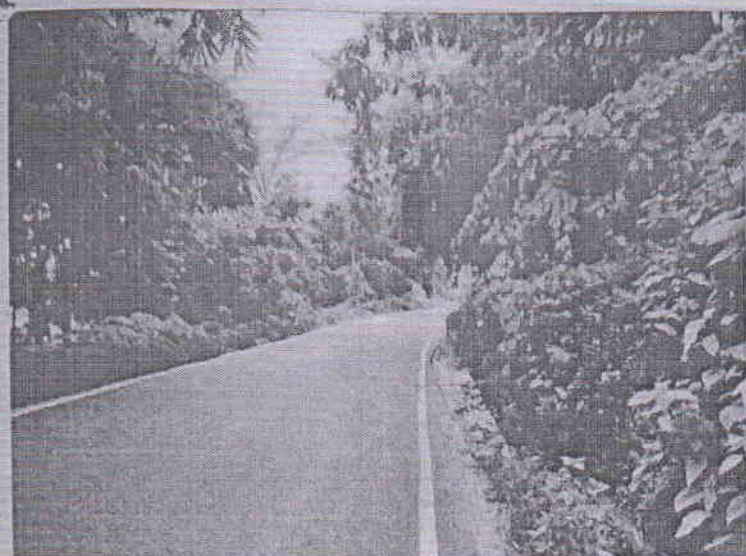
Photograph of Vehicle bearing registration no
SK 01 Z 1127 MAHINDRA XYLO



Bholanath Baruri
Automobile Engineer Mechanical Expert

(Signature)
Bhol Nath Baruri
Automobile Engineer
Mechanical Expert

P.O- In between Mamkhola & 7th Mile, Melli, on NH-10 under Kalimpong PS (Lat. 27.121, Long. 88.484)



Photographs of the P.O. NORTH-SOUTH-EAST-WEST



TRANSPORT DEPARTMENT, GOVT OF SIKKIM

[Sub Rule (2) of rule 39]

RTO GANGTOK

FORM 38

[See Rule 62(1)]

CERTIFICATE OF FITNESS

(Applicable in the case of transport vehicles only)



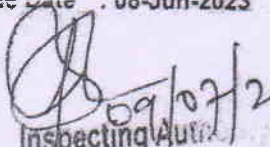
Vehicle No: SK01Z1127(Luxury Cab) is certified as complying with the provisions of the Motor vehicles Act, 1988 and the rules made there under.

Registration No : SK01Z1127
Application No : SK21070843248413
Inspection Fee Receipt No : SK1R210700000384
Receipt Date : 08-Jul-2021
Chassis No : MA1PT2MLXK2D42146
Engine No : MLK4D18416
Seating Capacity : 8 (Including Driver)
Type of Body : HARD TOP
Manufacturing Year : 2019
Category of Vehicle : LPV
Inspected on : 08-Jul-2021
Printed on : 09-Jul-2021 11:09:43

Certificate will expire on : 07-Jul-2023

Next Inspection Due Date : 08-Jun-2023

Inspected by **(KHEMRAJ SHARMA)**


Inspecting Authority
Signature of Inspecting Authority
RTO GANGTOK

CHARGE SHEET / FINAL REPORT.

(Under Section 173 Cr.P.C.)

IN THE COURT OF LD CHIEF JUDICIAL MAGISTRATE, KALIMPONG

1. District: - **Kalimpong** P.S.:- **Kalimpong** Year:- **2023** FIR. No.:- **88/23** Dated:- **07.07.2023**2. Charge sheet No: **137/23**3. Date. **05.09.2023**4. i) Act **IPC**Sections. **279/337/338.**

ii) Act

Sections.

iii) Act

Sections.

iv) Other Acts and Sections

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

6. If F.R. unocurred: False / Mistake of Fact / Mistake of law / Non-cognizable / Civil nature.

7. If Original / Supplementary :- **Original**8. Name, of the IO :- **SI Alamgir Sarkar**9. (a) Name of complainant :- **Hridayeshwar Basneet**(b) Father's / Husband's Name: **S/O Keshav Chandra Basneet of Mamring PS-Mamring, South Sikkim**

10. (A) Notice Served: Yes / No Date.....

(Acknowledgement to be placed)

(B) Detail of Properties / Articles / Documents recovered / seized during investigation and elide upon (separate list can be attached, if necessary)

Sl. No.	Description of the articles	Estimated Value(in Rs.)	P.S. Property Register No.	From Whom / where Recovered or Seized.	Disposal
1.	(i) One White Colour Mahindra Xylo Vehicle bearing Registration No. SK-01-Z/1127 with front right side damaged condition. (ii) One Green Colour SNT Bus Vehicle bearing Registration No. SK-01-B/0662 with front right side damaged condition.		135/23	From the PO 7 th Mile as shown and identified by the C/313 Nazibul Hoque and C/435 Sumanta Mondal who were guarding the vehicle.	(i) As per order by Ld CJM Court KPG vide Order No. 07 dt 20.07.2023 Returned the seized vehicle Regd No. SK-01-Z/1127 to its applicant/Attorney holder Feroj Ali, S/O- Satar Ali of Upper Tintek PW, Rakdong, East Sikkim. (ii) On 14.07.2023 Tenzing G Lachungpa (48yrs), S/O- Lt. Tamding Lachungpa of Lachung, PS- Lachung, Dist- North Sikkim General Secretary of SNT Association taken zimma of the side noted (Sl. II) article with proper zimmanama.
2.	(i) One Original Registration certificate vehicle bearing No. SK-01-Z/1127, Date of Registration 10.05.2019, Chasis No MA1PT2MLXK2D42146, Engine No. MLK4D18416 the name of owner Kumar Lohar, S/O- Bhakata Bdr Lohar of Chongeytar, Bhusuk, Sadar, East Sikkim, Vehicle Class- Luxury Cab, Colour- Diamond White. (ii) Original Insurance Certificate of vehicle bearing No. SK-01-Z/1127 Policy No- 110322223400002869 Valid Upto- 08.07.2023. (iii) One original Pollution under Control Certificate having Certificate Of Vehicle Regd No. SK-01-Z/1127 Valid Upto 02.08.2023.		137/23	As being produce by Gyamcho Bhutia (35yrs) S/O-Tashi Tendup Bhutia of Pedong Bazar, PS- Pedong, Dist- Kalimpong	(i) As per order by Ld CJM Court vide vide Order No. 07 dt 20.07.2023 Returned the seized documents (Sl. No. I to VI) in support of vehicle Regd No. SK-01-Z/1127 to its applicant/Attorney holder Feroj Ali, S/O- Satar Ali of Upper Tintek PW, Rakdong, East Sikkim Except D/L (Sl- VII)

	<p>(iv) Original Authorization Letter in the name of Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim valid till- 16.01.2024 in respect of Vehicle Regd No SK-01-Z/1127</p> <p>(v) One Permit in support of vehicle Regd No SK-01-Z/1127</p> <p>Valid till 10.05 2024</p> <p>(vi) One Fitness Certificate of Vehicle Regd No SK-01-Z/1127 Valid Till- 07.07.2023</p> <p>(vii) One D/L in the name of Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim having D/L No. BR552020001326 valid till: 30.03.2039 Issuing Authority: Jorethang RTO, South Sikkim.</p>			
3.	<p>(i) One Power of Attorney in support of vehicle Regd No. SK-01-Z/1127. Where the registered owner Kumar Lohar, S/O- Bhakata Bdr Lohar of Chongeytar, Bhusuk, Sadar, East Sikkim Authorized, appointed and empower Feroj Ali, S/O- Satar Ali of Upper Tintek PW, Rakdong, East Sikkim as his Lawful Attorney</p>	138/23	As being produce by Gyamcho Bhutia (35yrs) S/O-Tashi Tendup Bhutia of Pedong Bazar, PS- Pedong, Dist- Kalimpong	On 12.07.2023 Gyamcho Bhutia (35yrs) S/O-Tashi Tendup Bhutia of Pedong Bazar, PS- Pedong, Dist- Kalimpong taken zimma of the side noted article with proper zimmanama
4.	<p>(i) One Original Registration certificate in support of the vehicle bearing No. SK-01-B/0662, Chasis No. MBU2T54XGT0250987, Engine No. SLT4FT244040 name of owner General Manager of SNT Deptt Govt. of Sikkim. Gangtok, East Sikkim, Colour- Leaf Green, Body Type- Bus</p> <p>(ii) One D/L in the name of Kiran Baraily (42 yrs). S/O- Lt. Arun Baraily of Jalipool PS- Ranipool, Gangtok, East Sikkim vide D/L No. SK0120030007798 Validity- 21.06.2033, Issuing Authority- RTO Gangtok</p> <p>(iii) Xerox Copy of Journey Slip in respect of vehicle bearing No. SK-01-B/0662 from SNT Department. Date of Journey- 07.07.2023, Time- 08.00 hrs</p>	142/23	As being produce by Tenzing G Lachungpa(48yrs), S/O- Lt Tamding Lachungpa of Lachung, PS- Lachung, Dist- North Sikkim General Secretary of SNT Association	On 14.07.2023 Tenzing G Lachungpa(48yrs), S/O- Lt Tamding Lachungpa of Lachung, PS- Lachung, Dist- North Sikkim General Secretary of SNT Association taken zimma of the side noted (Sl. I & II) article with proper zimmanama.

10A. Number of accused persons charge- sheeted: **01 (One)**

10B. Number of accused persons not charge- sheeted: **NIL**

11. Particulars of accused persons charge- sheeted:
(use separate sheet for each accused)

12.A Particulars of accused persons charge-sheeted:

(i) Name: **Seraj Ali**

(ii) Father's name: **Satar Ali**

(iii) Date / Year of birth: **23 yrs**

(iv) Sex: **Male**

(v) Nationality: **Indian**

(vi) Passport No: _____ Date of issue: _____ Place of issue: _____

(vii) Religion: **Islam**

(viii) Whether SC / ST:

(ix) Occupation: **Driver**

(x) Address: **Samdong, PS-Sadar Gangtok, East Sikkim**

(xi) Provisional Criminal No:

(xii) Regular Criminal No.

(xiii) Date of arrest: **10.07.2023**

(xiv) Date of release on bail.

(xv) Date on which forwarded to court: **10.07.2023**

(xvi) Under Acts & Sections: **279/337/338 IPC**

(xvii). Name (s) of bailers / sureties and Address:

(xviii) Previous convictions with case reference:-

(xix) Status of the accused:-

Forwarded / Bailed by Police / **Bailed by Court** / in judicial Custody / Absconding / Proclaimed

Offender. :- **Bailed by Court**

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

- (i) Name:
(ii) Father's / Husband's Name:
(iii) Date / Year of birth:
(iv) Sex:
(v) Nationality:
(vi) Passport No: Date of issue: Place of issue:
(vii) Religion:
(viii) Whether SC / ST:
(ix) Occupation:
(x) Address:
(xi) Provisional Criminal No:
(xii) Regular Criminal No.
(xiii) Suspicion Approved:- Yes / No
(xiii) Forwarded/Bailed by Police/Bailed by Court /in Judicial Custody /Not arrested:-
(xiv) Under Act and Section
(xv) Any Special remarks including reason for not charge sheeting:

13. Particulars of witnesses to be examined:

Sl. No.	Name of the witnesses	Fathers/ Husband name	Full address	Type or relation with the complainant (Seizure, interested etc).
1	Hridayeshwar Basneet (Ph-9734164619)	S/O- Keshav Chandra Basneet	Mamring PS-Mamring, South Sikkim.	Complainant
2	SI Deepak Thap (Ph-9932843791)		O/C Meli OP, under Kalimpong PS	Witness
3	Kiran Baraily(42 yrs) (Ph-9593386003)	S/O- Lt. Arun Baraily	Jalipool PS- Ranipool, Gangtok, East Sikkim	Witness
4	Tashi Omgmu Bhutia (30 yrs) (Ph-9382430027)	D/O- Chongpo Bhutia	Pakyong Lasithang, PS- Pakyong, Dist- East Sikkim	Witness
5	Laxman Chettri (Ph- 9775915621)	Chandra Bdr Chettri	5 th Mile, Jore Dhara, Tadong Gangtok, East Sikkim	Witness
6	C/313 Nazibul Hoque (Ph-7001953503)		Melli OP under Kalimpong PS	Witness + Seizure Witness
7	C/435 Sumanta Mondal (Ph-6294405859)		Melli OP under Kalimpong PS	Witness + Seizure Witness
8	Gyamcho Bhutia (7427916222)	S/O-Tashi Tendup Bhutia	Pedong Bazar, PS- Pedong, Dist- Kalimpong	Witness + Seizure Witness
9	Tenzing G Lachungpa (Ph-8016794276)	Lt. Tamding Lachungpa	Lachung, PS- Lachung, Dist- North Sikkim General Secretary of SNT Association	Witness + Seizure Witness
10	C/442 Suman Mahata (Ph-9382013286)		Melli OP under Kalimpong PS	Seizure Witness

11	CVF/289 Vivek Subba (Ph-8167402698)	-	Melli OP under Kalimpong PS	Seizure Witness
12	Shri N.Topden Bhutia (Ph-9735000331)	-	Rangpo Sikkim Hospital HWC PHC Rangpo, Helath & FW Deptt., Government of Sikkim	Medical Examination Officer
13	Sri Bhola Nath Baruri (Ph-9800867580, 94340 47580)	-	(Automobile Engineer, Mechanical expert), Sevoke Road, Siliguri, PS-Bhaktinagar, Dist-Jalpaiguri	Mechanical Expert
14	Shri Uday Pradhan (Ph-8372834283)	-	The Junior Engineer, Rangpo Workshop, Dist-East Sikkim	Mechanical Expert
15	SI Saran Sarki (Ph-7001818513)	-	Kalimpong PS	Recording Officer
16	SI Alamgir Sarkar (9851550087)	-	Melli OP under Kalimpong PS	Investigating officer

14. If F.R. is false, indicate action taken or proposed to be taken u/s 182/211 IPC

15. Result of Laboratory Analysis.

16. Brief Facts of the case:-

The fact of the case in brief is that on 07.07.23 at 14:45 Hrs one Hridayeshwar Basneet S/O Keshav Chandra Basneet Of Mamring PS-Mamring, South Sikkim called at Melli OP and lodged a written complaint to the effect on 07.07.23 he was travelling to Siliguri from Rangpoo by one SNT bus bearing Regd No-SK-01-B/0662 and around 09:15 hrs while on way 7th mile near Maamkhola one Xylo vehicle bearing Regd No-SK-01-Z/1127 coming from opposite side on high speed and rash and negligently driving meet accident head to head. As a result, SNT Bus driver and some others passengers including said Xylo driver received grievous injury. As soon as with the help of police personals and pedestrian drivers all the injured persons shifted to Rangpoo Sikkim hospital for their treatment. Over the written complaint dully forwarded by O/C Melli OP I/C Kalimpong PS started Kalimpong P.S. case No. 88/23 Dt 07.07.2023 U/S 279/337338 IPC and endorsed to me for its Investigate the case and myself took up its investigation.

Forwarded

[Signature]

5/9/23.

Inspector-in-Charge
Kalimpong Police Station
Dist. Kalimpong

Signature of the investigating Officer.
Submitting the Charge Sheet.

[Signature]
05/09/2023

Name:- Alamgir Sarkar
Rank:- SI of Police, Melli OP,
Kalimpong PS

(70)

During investigation of the case, I visited the PO and drew rough sketch map of PO with Index and take photographs of the PO. Examine the complainant Hridayeshwar Basneet S/O Keshav Chandra Basneet of Mamring PS-Mamring, South Sikkim and available witnesses and recorded their statement u/s 161 CrPC. Seized the offended vehicles (i) Xylo Regd. No. SK-01-Z/1127 and (ii) SNT Bus Regd. No. SK-01-B/0662, and documents related to the vehicles. Arrested the accused driver of the offended Xylo vehicle Regd. No. SK-01-Z/1127 namely Seraj Ali (23 Yrs) S/O Satar Ali of Tintek, Rakdong, Samdong, PS-Sadar Gangtok, East Sikkim and forwarded to Ld CJM Court Kalimpong. Sent Form 54 and DAR regarding this accident in prescribed format in www.ankpg2021@gmail.com. Also filled up the DAR in iRAD web portal. Examine the Xylo vehicle Regd No. SK-01-Z/1127 mechanically and Mechanical expert Sri Bhola Nath Baruri (Automobile Engineer, Mechanical expert), Sevoke Road, Siliguri, PS-Bhaktinagar, Dist-Jalpaiguri opined that **"From the Technical point of view the cause of accident of the above-mentioned vehicle appears to be other than mechanical failure"** Also Examine the SNT Bus Regd No. SK-01-B/0662 mechanically and Mechanical expert Sri Uday Pradhan (Ph-8372834283), The Junior Engineer, Rangpo Workshop, Dist-East Sikkim opined that **"The departmental bus was mechanically fit before the collision the investigation of the incident found out that another vehicle was in wrong lane and very high speed, which caused the accident"**

During investigation received the injury report from The Medical Officer, Primary Health Centre Rangpo Sikkim, Dist-East Sikkim vide MEMO NO. 1928/RPH/2023-24 DATE. 02 09 2023 and the Medical Officer Shri N.T Bhutia of HWC PHC Rangpo, Helath & FW Deptt., Government of Sikkim opined that (i) Kiran Baraily (42 yrs), S/O- Lt. Arun Baraily of Jalipool PS- Ranipool, Gangtok, East Sikkim - **Cut Injury at Left knee, Left thigh ?# Left thigh.** (ii) Tashi Omgmu Bhutia (30 yrs) D/O- Chongpo Bhutia of Pakyong Lasithang, PS- Pakyong, Dist- East Sikkim - **Cut injury over forehead, Swelling over Left Shoulder, ?# Left Shoulder.** (iii) Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim - **Cut Injury Left Leg.** (iv) Laxman Chettri, S/O- Chandra Bdr Chettri of 5th Mile, Jore Dhara, Tadong Gangtok, east Sikkim- **Not Recored at Rangpo PHC Round.**

During investigation it is revealed that the driver of the Xylo vehicle Regd. No. SK-01-Z/1127 namely Seraj Ali was driving his vehicle with High Speed and rash and negligently driving in Hilly area and when suddenly saw the SNT Bus Regd No. SK-01-B/0662 and unable to control his vehicle hit the SNT Bus Regd No. SK-01-B/0662 with head to head causing damaged the front of the both Xylo and SNT Bus and driver of the SNT Bus Kiran Baraily and Conductor of the SNT Bus Smt Tashi Ongmu Bhutia and driver of the Xylo Seraj Ali received injuries on their persons. As per order by Ld Court released the Xylo vehicle Regd. No. SK-01-Z/1127 along with documents except D/L. Also released the SNT Bus Regd No. SK-01-B/0662 along with documents with proper zimmanama.

The prima facie Charge has been well established against the accused Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim the driver of the Xylo vehicle Regd. No. SK-01-Z/1127.

I therefore consult with my superior I/C Kalimpong PS about the merit and demerit of the case and for submission of charge sheet of the case and after go through the case docket he suggested me to submit charge sheet against Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim the driver of the Xylo vehicle Regd. No. SK-01-Z/1127, U/S 279/337/338 IPC.

Obtaining permission from superior I am therefore submitting charge sheet in this case against the accused Seraj Ali (23 Yrs) S/O Satar Ali of Samdong, PS-Sadar Gangtok, East Sikkim Vide Kalimpong PS Charge Sheet No. 137/23 Dated:- 05.09.2023 U/S 279/337/338 IPC to face the trail in the open court of law.

Submitted

SI Alamgir Sarkar

Melli OP, Kalimpong PS

(The complainant has been informed regarding the result of the case).