

FORM-I**FIRST ACCIDENT REPORT (FAR)**

By Investigating Officer to Claims Tribunal
Within 48 hours of the receipt of intimation of the Accident
Copy to Victim(s), Insurance Company and State Legal Services Authority (SLSA)

FIR No.		Lava Ps Case No-33/2023
Date		03.10.2023
Under Section		279/337/338/427 IPC
Police Station		Lava PS
01	Date of Accident	03.10.2023
2.	Time of Accident	14:45 hrs
3.	Place of Accident	NH11 Road 11 th Mile Tumlang Rangpo PS Lava Dist-Kalimpong
4.	Source of Information	Driver/Owner Victim Witness Hospital Good Samaritan Police Others (Specify)
Name, mobile number & address of the Informant		
	Name	Deoraj Chettri
	Mobile No.	9749084205
	Address	11 th mile Tarkhola PS Lava Dist Kalimpong
5.	Nature of Accident	Injury Fatal Damage/loss of property Any other loss/injury
	No. of vehicle involved	02
	Whether Registration Number of the Offending Vehicle known	Yes
	Whether offending Vehicle impounded by the police	Yes
	Whether the driver of the offending vehicle found on the spot	Yes
	Number of Fatalities	NIL
	Number of Injured	03
6.	Details of the Hospital where victim(s) taken	
	Hospital Name	Rangpo PHC
	Address	Rangpo East Sikkim
	Doctor's Name	Not known

7	Availability of CCTV Footage If yes, CCTV Footage be preserved and be filed with DAR	Yes	No	
8	Details of Owner(s), Driver(s) and Insurance of the Vehicle(s)			
	Details	Vehicle 1 (Offending vehicle)	Vehicle 2	
	Vehicle Details			
	Vehicle Registration No.	UK-04-CA-5636	SK-04-J-0803	
	Driver Details			
	Name of the Driver	Mausam Khan S/O Nausay Khan	Passang Shrrpa S/O Phuray Sherpa	
	Address of Driver	Gram Dhaneli Thana Shahi Meerganj Bareilly Uttar Pradesh	Lower Sichey Rai goan PS-Sadar gangtok East Sikkim	
	Mobile No. of Driver	NA	NA	
	Owner Details			
	Name of the Owner	Manoj Kr.Pandey S/O Paras Nath Pandey of	Narendra Chettri S/O Lal Bdr.Chettri	
	Address of Owner	Subash Nagar Kichha Road Lalkuan Uttar Khand	of Kewzing Bhakhim Ravongla Namchi Sikkim- 737139	
	Mobile No. of Owner	N/A	N/A	
	Insurance Details			
	Insurance Policy No.	253803/31/2024/1221	0319053122P112947096	
	Period of Insurance Policy	valid till 30.08.2024	Valid Upto-09.03.2024	
	Name of Insurance Company	The Oriental Insurance Company Ltd	United India Insurance Company Ltd.	
	Address of Insurance Company	24, Awas-Vikas, above Siddhu Palace Nainital Road Radrapur Uttarkhand	NH-31 A Deorali Bazar Gangtok East Sikkim.	
	9	Details of Victim(s)		
		Name	Deceased /Injured	Address & Contact Details
	i		Mebisha Gurung (19 Yrs.) D/O Pranay gurung	Rangli Rinthang East Sikkim
ii		Phulmaya Lama (42 Yrs.) W/O K.B. Lama	Makha east Sikkim	
iii		Urgen Lama (17 yrs.) S/O Nima Lama	Makha east Sikkim	
iv				
10	Other Accident Details			
i.	Reporting Date & Time	ON 03/10/2023 AT 17:15 HRS.		
ii.	Landmark	NH10 Road 11 th Mile Tumlang Rangpo PS-Lava Dist: Kalimpong		
iii.	Severity	Fatal Grievous Injury Simple Injury Hospitalized Simple Injury Non Hospitalized No Injury		

iv.	Count of	Injured	Death
	Drivers	NIL	
	Passengers	03	
	Pedestrians	NIL	
	Animal	NIL	
v.	Collision Type	Vehicle to Vehicle Vehicle to Pedestrian Vehicle to Bicycle Vehicle to Tricycle Vehicle to Animal Driven Cart Vehicle to Animal Skidding	
vi.	Collision Nature	Head on Collision Hit Parked VehicleHit tree Hit Fixed/Stationary ObjectHit from Back Hit from Side Run off Road Overturn Skidding /OverturnSideswipe Vehicle Fell in Gorge/Ditch/WellVehicle Fell in River	
vii.	Initial Observation of accidentscene	Non Provision of Parapets/Crash Barrier on Outer CurveLong Distance Covered/Driver Restless	
		Fell Down From VehicleIllegal Parking on Road Blind Bend / Curve Alcohol abuse Carrying people in loaded vehicleChanging lane without care Dangerous Overtaking Distraction to Driver Driving against flow of traffic Drugs Abuse High Speed Inattentive Turn Accident Due to road Condition Accident Due to Weather Condition Accident due to Heavy Traffic Non-respect of rights of way rulesRed Light jumping Overloaded Accident due to Vehicle Defect Over speed while crossing Zebra crossing Over speed while crossing speed breaker	
viii.	Weather Condition	Sunny / ClearCloudy Light Rain Heavy Rain Flooding of Causeway / RivuletsHail/ Sleet Snow Smoke/ Dust Strong WindColdHot	

ix.	Light Condition	Day Twilight Darkness with street lights on Darkness with poor street light Darkness-No street light
x.	Accident Spot	Residential Zone Market Zone Institutional Zone Open Commercial Zone School Zone College Zone Other Educational Institutional Zone (Specify) Govt. Institutional Zone Hospital Zone Industrial Zone Harbour Zone
xi.	Visibility	Less than 25 Meters 25 Meters 50 Meters 75 Meters 100 Meters and Above
xii.	Load Condition (1)	Excess Passengers Normally Loaded Empty Not Known
xiii.	Load Condition (2)	Excess Goods Goods Overheight Goods Rear Overhanging Goods Side Overhanging Normally Loaded Empty Not Known
xiv.	Road Classification	Expressway National Highway State Highway Major District Road Other District Road Village Road Arterial Road Sub Arterial Road Collector Road Local Road
xv.	Local Body	Corporation Municipality / Panchayat

XVI. . P.I.S./EMPLOYEE No. : _____

S.H.O./I.O

Phone No. : 8597643530
LAVA PS, KALIMPONG
Date:

Documents to be attached:

- i. Copy of FIR**

Images/ Videos to be attached:

- i. Main Resting Place of Vehicle**
- ii. Damage to Vehicle**
- iii. Damage to Property**
- iv. Obstructions of Objects on Road**
- v. Junction/ Road Type**
- vi. Road Surface**
- vii. Skid Marks**
- viii. Surroundings**
- ix. Any feature which might have contributed to the accident**
- x. Other Images**
- xi. Other Vide**

FORM 54
[See Rule 159 (a) and (2)
Accident Information Report

- 1) **Name of the Police Station:** Lava Police Station.
- 2) **CR No./ Traffic Accident Report:** Lava PS Case no: 33 /23, Dt: 03.10.2023, U/S 279/337/338/ 427 IPC.
- 3) **Date, time and place of accident:** On 03.10.2023 at about 14:45 hrs NH10 road 11th Mile Tumlang
Rangpo PS-Lava Dist: Kalimpong
- 4) **Name and full address of the injured / deceased:** (1) Mebisha Gurung (19 Yrs.) D/O Pranay gurung of Rangli Rinthang East Sikkim (2) Phulmaya Lama (42 Yrs.) W/O K.B. Lama of Makha east Sikkim and (3) Urgan Lama (17 yrs.) s/O Nima Lama of Makha east Sikkim
- 5) **Name of the Hospital he/she was moved:** Rangpo PHC East Sikkim.
- 6) **Registration Number of vehicle and the type of the vehicle:** (1) UK-04-CA-5636 (Offending vehicle)
(2) SK-04-J-0803 (Victim Vehile)
- 7) **Driving Licence particulars:** (1) Driver of the offending vehicle namely Mausam Khan S/O Nausay Khan of Gram Dhaneli Thana Shahi Meerganj Bareilly Uttar Pradesh (2) Driver of the victmvehicle Passang Shrrpa Phuray Sherpa of Lower Sichey Rai goan PS-Sadar gangtok East Sikkim
- 8) **Driving Licence number and date of expiry:** (1) UP-2520070015649 vilidity till 13.11.2024 (2)
SK-0220160003240 vilidity till 09.08.2025.
- (a) **Address of the issuing authority:** (1) UP 25 Bareilly (2) RTO Geysing West Sikkim.
- (b) **Badge No in case of public service vehicle:** N/A
- 9) **Name and address of the owner of the vehicle at the time of the accident:** (1) Manoj Kr.Pandey S/O Paras Nath Pandey of Subash Nagar Kichha Road Lalkuan Uttar Khand (2) Narendra Chettri S/O Lal Bdr.Chettri of Kewzing Bhakhim Ravongla Namchi Sikkim-737139.
- 10) **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:** (1) The Oriental Insurance Company Ltd. of 24, Awas-Vikas, above Siddhu Palace Nainital Road Radrapur Uttarkhand.(2) United India Insurance Company Ltd. of NH-31 A Deorali Bazar Gangtok East Sikkim.
- 11) **Number of the Insurance Policy/ Insurance Certificate and the date of validity of the Insurance Policy/Insurance Certificate:** (1) Policy no. 253803/31/2024/1221V alid till 30.08.2024 (2) Policy no.0319053122P112947096 Valid Upto-09.03.2024
- 12) **Registration particulars of the vehicle (class of vehicle):** (1) Truck open body (UK-04-CA-5636) (2) Tata Sumo (SK-04-J-0803).
- (a) **Registration no:** (1) UK-04-CA-5636 (2) SK-04-J-0803.
- (b) **Engine no:** (1)497TC92HXY844741 (UK-04-CA-5636) (2) 497SPTC43BWY607964 (SK-04-J-0803).
- (c) **Chassis no:** (1) MAT 457403C7H31120 (UK-04-CA-5636) (2) MAJ446502D9B04593(SK-04-J-0803).
- 13) **Route Permit particulars:**
- 14) **Action Taken, if any, and the result thereof:** Lava PS Case no: 31 /23, Dt: 03.10.2023, U/S 279/337/338/427 IPC

FIRST INFORMATION REPORT (Under Section 154 Cr. P.C.)

933

IO-A.S.I. Ravi L

Dist. Kalimpong P.S. Lava Year 2022 FIR No. 23/23 Date 02/10/2022
 (i) Act IPC Sections 219/227/228/489 IPC (iv) Others Acts & Sections
 (ii) Act Sections (iii) Others Acts & Sections
 (a) Occurrence of Offence : Day Tuesday Date From 02/10/2022 Date To 02/10/2022
 Time Period Time From 11:45 hrs. Time To 17:15 hrs.
 (b) Information received at P.S. Date 02/10/2022 Time 17:15 hrs.
 (c) General Diary Reference : Entry No(s) 76 Time 17:15 hrs.
 Type of Information : Written / Oral
 Place of Occurrence : (a) Direction and Distance from P.S. Approx. 2 km North Beat No. 11. No. 02
 (d) Address NH-10, 15th mile Turnling Rangpo, PS-Lava, Dist. Kalimpong

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

Name of the P.S. District

Complainant / Informant :

(a) Name Pasang Shespa
 (b) Father's / Husband's Name Phukay Shespa
 (c) Date / Year of Birth : (d) Nationality Indian
 (e) Passport No. Date of Issue : Place of Issue :
 (f) Occupation :
 (g) Address Lower Sicking, Rai Goan, PS-Sader Gangtok, East Sikkim

Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) :

① Mausam Khan (44 yrs.) s/o Nausari Khan
of Meerganj Bareilly Uttar Pradesh-243505

Reasons for delay in reporting by the Complainant / Information

Particulars of properties stolen / involved (Attach separate sheet, if necessary) : One container (truck) bearing
No. UX-CA-CA-5636.

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 which is
written as FIR is enclosed herewith / reproduced overleaf.

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 ASI Ravi Lupta of Rangpo CP, Lava PS. to take up
 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.

Officer - In - Charge

Lava Police Station

Signature of the Officer in Charge

District Kalimpong Station

Name : 87. Koman Pokharel (of Lava PS)Rank : No. Sub-Inspector of W.B.P.14. Signature / Thumb impression
of the Complainant / Informant

15. Date & Time of despatch to the court :

OPPO A31
2023/10/06 11:20

To
The Officer in-Charge
Rangpo Check post
PS- Lava Dist-Kalimpong

Sub: Complainant regarding Accident

Date:03/10/2023

Respected Sir,

I Passang Sherpa S/O Phurey Sherpa of Lower Bichey Rai Gaon PS - Sadar Gangtok East Sikkim would like to inform you that today on 03/10/2023 at around 14:45 hrs while I am heading towards Gangtok from Jaigaon driving my service vehicle (Tata Sumo) bearing Registration No-SK04J Q803 with passenger at NH10 11th Mile Tumlang Rangpo PS-Lava Dist-Kalimpong suddenly one Container Bearing No-UK/04/CA/8636 came from opposite direction and hit my vehicle due to over speed and negligence driving of driver namely Mausam Khan 44 yrs S/O Nausey Khan of Meerghanj Bareilly Uttar Pradesh -243806 to the effect my vehicle is badly damaged and three passengers got minor injury and sent to Rangpo PHC for Treatment.

Therefore, I would like to request you kindly take necessary action lawfully.

Received at Rangpo C.P
vide GIDE No - 74/2023
dt. 03/10/2023 at 16:15 hrs
forwarded to o/c Lava-PS
to start specific case

Yours faithfully

पासंग शेर्पा

(8370824978)

03/10/2023
Officer in-Charge
Rangpo Check Post
P.S. Lava Dist, Kalimpong

Received at Lava PS on
03/10/23 on being forwarded by
o/c Rangpo CP under Lava PS and
staked Lava PS case no. 28/23
dt: 03/10/23 w/s 28/23/338/427 of I.P.R.
and endorsed to ASI. Luni Upcha of
Rangpo CP for its investigation

03/10/2023
Officer-In-Charge
Lava Police Station
District Kalimpong



OFFICE OF MEDICAL OFFICER INCHARGE
HWC-PHC RANGPO, PAKYONG SIKKIM
HEALTH AND FAMILY WELFARE DEPARTMENT
GOVERNMENT OF SIKKIM

MEMO NO. ¹⁹⁶²...../RPHC/2023-24

DATE: 18.10.2023

To,
ASI Ravi Lepcha,
Rangpo Check Post
PS-Lava Dist-Kalimpog.

Subject: Injury report of case no. PS-33/23 Dt.03.10.2023, U/S: 279/337/338/427 IPC.

Respected Sir,

As per the request for the injury report of Lava PS case no. PS-33/23 Dt.03.10.2023 treated in our HWC-PHC Rangpo Hospital, following are the names of patient:

1. Phul Maya Lama, W/o-K B Lama, R/o- Makha South Sikkim
Blunt injury over the left part of head, advice for X-ray.
2. Urgen lama, S/o- Nima Lama, R/o- Makha
Blunt injury over the right leg and knee, advice for X-ray.
3. Mebisha Gurung, D/o- Purnay Gurung, R/o- Lingtam, Rongli
Blunt injury over the lower right back, advice for X-ray.

Thanking You,

Dr. N T Bhutia
Medical Officer Incharge

Dr. N. Topden Bhutia
Medical Officer Incharge
HWC PHC Rangpo
Health & FW Deptt.
Government of Sikkim

SANJIB ROY

AUTOMOBILE ENGINEER,
MECHANICAL EXPERT

C/o. NIRMALA NALINI
PANPARA, P.S. KOTWALI
DIST. JALPAIGURI
Pin - 735101 (W.B.)

MECHANICAL EXAMINATION REPORT

Ref No. Rangpo CP DR NO-463/2023 dt 03/10/23.

Date: 04/10/2023.

Case No./M.A Case No. and Date:- Lava Police Station Case NO - 33 /23 dt 03/10/23 v/s - 279/337/338/429

Name and designation of the Motor Vehicle Inspector/Expert: Sanjib Roy, Mechanical Expert.

Venue and Date of Examination: Rangpo CP Compressed under P.O Lava at 04/10/2023

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

- a. Make TATA MOTORS LTD.
- b. Type T/Sumo Gold.
- c. Model 2013.
- d. Registration Number SK04J 0803.
- e. Chassis Number MAJ 44650 209804593
- f. Engine Number 497 JPTC 43 BNY607964.
- g. Colour Ash Silver.
- 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

2. 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)

Engine hood / RH front fender / RH door / RH side head light / wind screen / front bumper / RH side leg guard (foot rest) / Dash board / Cooling System

- c. Any other point of interest

NIL

SANJIB ROY
Mechanical Examiner

04/10/23

3. Condition of Brakes (Please attach Photograph) :-

- 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 sings of brake failure which could have lead to the accident? Yes ☐ No. ☒

4. Condition of Tyres (Please attach Photograph) :-

- 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 make 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 ever after braking? Yes ☐ No. ☒
- e. Were the tyres found punctured? If yes specify whether before or after the accident collision? Yes ☐ No. ☒

5. Condition of Gears :-

- a. Whether the gear lever, gear pinion, gear handle and clutch wire in flexible state at the time of accident? Yes ☒ No. ☐
- b. Whether these parts are in sufficiently lubricated condition? Yes ☒ No. ☐

6. Condition of Steering :-

- a. Whether steering is adequately mobile? Yes ☒ No. ☐
- b. Whether the tie rod is in perfect working condition? Yes ☒ No. ☐


7. Condition of Head Light's :-

- 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? Yes ☐ No. ☐

8. Condition of battery :-

- a. What is the Condition of battery?

Battery is good & working condition


04/10/23
SANJIB ROY
Mechanical Examiner
Automobile Engineer
029700-3

9. 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. ☐

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

11. Condition of Speed Governors (Attach Photographs) :-

- 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. ☐

12. Condition of the Wipers :-

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

Yes ☒ No. ☐

13. Whether EDR (Event Date Recorder) present or not?

Yes ☐ No. ☐

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

Yes ☒ No. ☐

15. Overloading :-

Was the vehicle overloaded? if yes, further remarks.

Not Known.

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

From the technical point of view it appears to me that the accident occurred due to other than mechanical failure.

Date and time of Examination of the Vehicle :

04/10/2023 at about 11:30 AM.

Signature of the Mechanical Expert


SANJIB ROY
Mechanical Examiner
Automobile Engineer
Read.No.029700-3

04/10/23

Photograph of the accident vehicle bearing No. SK 04 J - 0803 (Tata Sumo Get)



16
04/10/23
SANJIB ROY
Mechanical Examiner
Automobile Engineer
Read.No.029700-3



16
04/10/23
SANJIB ROY
Mechanical Examiner
Automobile Engineer
Read.No.029700-3

SANJIB ROY

AUTOMOBILE ENGINEER,
MECHANICAL EXPERT

C/o. NIRMALA NALINI
PANPARA, P.S. KOTWALI
DIST. JALPAIGURI
Pin - 735101 (W.B.)

MECHANICAL EXAMINATION REPORT

Ref No. Rangpo CP DR NO - 825/23 dt 06/10/2023.

Date: 07/10/2023

Case No./M/A Case No. and Date :- Lava P.S Case NO - 33/23 dt 31/10/23 v/N-279/357/338 /427 1P1.

Name and designation of the Motor Vehicle Inspector/Expert: Sanjib Roy, Mechanical Expert.

Venue and Date of Examination: Rangpo CP Comd on 07/10/2023

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

- a. Make TATA MOTORS LTD
- b. Type TATA LPT 1109 EX/42
- c. Model 2012
- d. Registration Number UK 04CA5636.
- e. Chassis Number MAT457403C7 H31120
- f. Engine Number 497 TC 92 HXY B44741
- 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

2. 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)

Driver Cabin RH Side / Load body RH Side damage.
RH Side of head light any damage.

- c. Any other point of interest

NIL


SANJIB ROY
Mechanical Examiner
Automobile Engineer

07/10/23

3. Condition of Brakes (Please attach Photograph) :-

- 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 sings of brake failure which could have lead to the accident? Yes ☐ No. ☒

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- a. Do the tyres conform to the standards stipulated in MV act 1988? Yes ☒ No. ☐
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- d. Can the condition of the tyres be held responsible for the extra distance covered ever after braking? Yes ☐ No. ☒
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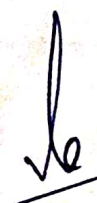
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- a. Whether the Head Light / Fog Light/ Indicator of the vehicle are in working condition? Yes ☐ No. ☒
- b. If not, is the same due to accident or were faulty even before the accident? Yes ☐ No. ☐

8. Condition of battery :-

- a. What is the Condition of battery?

Battery is good & working condition.


07/10/23
SANJIB ROY
Mechanical Examiner
Automobile Engineer

9. 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. ☐

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

11. Condition of Speed Governors (Attach Photographs) :-

- 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. ☒

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

Yes ☒ No. ☐

13. Whether EDR (Event Data Recorder) present or not?

Yes ☐ No. ☐

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

Yes ☒ No. ☐

15. Overloading :-

Was the vehicle overloaded? if yes, further remarks.

Not Known.

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

From the technical point of view it appear to me that the accident occurred due to other than mechanical failure.

Date and time of Examination of the Vehicle :

07-10-2023 at about 03:30 P.m

Signature of the Mechanical Expert

[Signature] 07/10/23

SANJIB ROY
Mechanical Examiner
Automobile Engineer
Recd. No. 029700-3

Photograph of the Accidental Truck bearing No. UK 04CA 5636



Contd. Col No. 17.. 3

On 17/10/23 I received the Ld. Court order no. 05 dtd. 17/10/2023 regarding release of the seized vehicle UK-04/CA-5636 and gave zimma of the said vehicle with all documents except DL to Mausam Khan s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly properly following the Ld. Court order on condition to produce the same before Ld. Court on call.

On 18/10/23 I collected an injury report of the injured persons 1) Phul Maya Lama w/o KB Lama of Makha South Sikkim 2) Urgan Lama S/O Nima Lama of Makha and 3) Mebisha Gurung D/O Purney Gurung Rongli Lingtang Sikkim.

During investigation of the case it could be learnt from the accident site scenario that due to negligently driving in an excessive speed vehicle bearing no. UK-04/CA-5636 was completely on wrong side of the road which caused an accident.

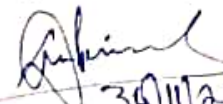
It is to be noted that during investigation I had observed all the formalities as per law and prima facie charge u/s 279/337/427 IPC has well been established against the accused driver of the vehicle UK-04/CA-5636 Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh.

Hence after consulting with my superior I am submitting the Lava PS. Charge Sheet no. 25/23 dtd. 30/11/2023 u/s 279/337/427 IPC against the accused person Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh to stand his trial in an open court of law as the complicities on the part of the accused person has been well established. Supplementary Charge Sheet will be submitted on the event of any further development in this case. P/Ws may kindly be summoned to prove the fact during trial and seized articles may kindly be ordered to be put up in the Ld Court during trial.

The result of investigation of this case is being intimated to the complainant accordingly.

Dispatched on ...30.11.2023

Forwarded


30/11/2023

Officer - In - Charge
Lava Police Station
District Kalimpong

Submitted
Asst. Ravi Lepcha
30/11/23

ASI. Ravi Lepcha
(I.O. of the case)
P.S. Lava Dist. Kalimpong

14. Particulars of witnesses to be examined:

SL No	Name	Father's/Husband Name	Date/Year of Birth	Occupation	Address	Type of evidence to be tendered
1	2	3	4	5	6	7
1)	Phul Maya Lama	w/o K.B. Lama	of Makha Jhargaoon PS.	Singtam East Sikkim	(9593388183)	
2)	Urgen Lama	s/o Nirmal Lama	of Makha Jhargaoon PS.	Singtam East Sikkim	(9593388183)	
3)	Mebisha Gurung	d/o Purna Gurung	of Rongli PS.	Rongli East Sikkim	(6296610496)	
4)	Passang Sherpa	S/O Phurey Sherpa	resident Lower Sichey PS	-Sadar Gangtok East Sikkim	(8370824978)	
5)	Sanjib Roy	Automobile Engineer	Mechanical Expert c/o Nirmala Nalini Panpara PS.	Kotwali Dist. Jalpaiguri	-735101(7031594322)	
6)	Dr. N. Topden Bhutia	Medical Officer Incharge	HWC-PHC Rangpo Health & FW Deptt.	Government of Sikkim	(9735000231)	
7)	St. Laxman Pokhrel	O/C Lava PS.	Dist. Kalimpong	(9733096342)		
8)	ASI Ravi Lepcha	of Lava Dist.	Kalimpong	(8597643530)		

Above all may kindly be summoned

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

16. Result of laboratory analysis.....

17. Brief fact of the case: - The brief fact of the case is that on 03.10.2023 received a written complaint from one Passang Sherpa S/O Phurey Sherpa resident Lower Sichey PS -Sadar Gangtok East Sikkim to the effect that on 03.10.25 at about 14.45 hrs. when one routed passenger vehicle (Tata Sumo) bearing Regd No.SK-04J 0805 was coming from Jaigaon enroute to Gangtok with some passengers at Tumlang, Rangpo on NH-10 under PS Lava one Siliguri bound goods Vehicle bearing Regd. No.UK-04/CA-5636 which was coming from Sikkim side - in excessive speed dashed the passenger vehicle rash and negligently following which both the vehicle got damaged, three passengers were sustained injuries namely 1)Phul Maya Lama w/o KB Lama of Makha South Sikkim 2) Urgen Lama S/O Nirma Lama of Makha and 3)Mebisha Gurung D/O Purney Gurung Rongli Lingtang Sikkim all of them were shifted to the Rangpo PHC for their medical treatment. Over the written Complaint forwarded by OC Rangpo CP started Lava PS Case no: 33/23, Dated: 03.10.2023, U/S 279/337/338/427 IPC and endorsed to me for its investigation

During investigation of the case I visited PO as identified by the complainant I prepared rough sketch map of the FO with its index in separate sheet of the paper. Then I examined the available witnesses and recorded their statement U/S 161 Cr.Pc. I seized both the vehicle 1) SK-04J 0805 2) UK-04/CA-5636 with its documents in proper seizure list. I arrested the driver of the offending vehicle Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Uttar Pradesh under proper memo of arrest.

On 04/10/2023 I forwarded the accused person Mausam Khan s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Uttar Pradesh to the court of Ld. Chief Judicial Magistrate Kalimpong under proper police escort with all connected papers. I sent the requisition to the mechanical expert to examine vehicle 1) SK-04J 0805 2) UK-04/CA-5636 and to supply report.

On 06/10/2023 I received the mechanical examination report of the vehicle 1) SK-04J 0805 2) UK-04/CA-5636 from Sanjib Roy Mechanical Expert, Panpara, PS. Kotwali Dist. Jalpaiguri. Expert opined that, "From the technical point of view it appears to me that the accident occurred due to other than mechanical failure."

1A Number of accused persons charge sheeted:- 01(One)

1B Number of accused persons not charge sheeted...NIL

Particulars of accused persons charge sheeted.

(i) Name ... **Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhanell Thana Shahi Meerganj Bareilly Utter Pradesh(Arrested on 03/10/23 and produced before Ld. CJM Court on 04/11/2023)**

(ii) Father's/ Husband's Name.....

(iii) Date/ Year of Birth.....

(iv) Sex.....

(v) Nationality.....

(vi) Religion.....

(vii) Whether SC/ST.....

(viii) Occupation.....

(ix) Address.....

(x) Provisional Criminal No.....

(xi) Regular criminal No.....

(xii) Date of Arrest.....

(xiii) Date of Released on Bail.....

(xiv) Date on which forwarded to Court...

(xv) Under Act and section.....279/337/338/427 IPC.

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

(xvii) Previous conviction with case reference.....

(xviii) Forwarded/ Bailed by Police/Under police Custody/ Bailed by Court /In judicial Custody/

Absconding/Proclaimed Offender

13. Particulars of accused persons not charge sheeted.(suspected)

(i) Name.....

(ii) Father's/ Husband's Name... ..

(iii) Date/ Year of Birth.....

(iv) Sex.....

(v) Nationality.....

(vi) Religion.....

(vii) Whether SC/ST.....

(viii) Occupation.....

(ix) Address.....

(x) Provisional Criminal No.....

(xi) Suspicion Approved.....

(xii) Forwarded /Bailed by Police/ Bailed by Court/In judicial Custody/ Absconding/Proclaimed

offender...

(xiii) Under Act and Sections.....

(xiv) Any special remarks including reason for not charge sheeted....

(Attached separate sheet, if necessary)

Dist.. Kalimpong..P.S ...Lava.....Year...2023....FIR No.33/2023..Date 03.10.2023.

Final Report/Charge sheet No. ...25/2023 Date...30.11.2023.....

(i) Act Section ..279/337/427 IPC,

(ii) Other Acts and Section.....

Type of final report: Charge Sheet/ Untraced/ Unoccurred/ not Charge Sheeted for want of evidence

.....Charge Sheet.....

If F.R unoccurred: False/ Mastake of Fact/ Mistake of Law/ Non cognizable/ Civil Nature.....

If Supplementary of OriginalOriginal.....

Name, Rank and Number (if any) of the I.O.(s).ASI Ravi Lepcha of Lava PS

(a) Name of Complainant / Informant.....Passang Sherpa

(b) Father's / Husband's Name ...Phurey Sherpa

Date on which the complainant /Informant was informed of the result On ...30.11.2023.

11. Detail of properties/Articles/Document recovered/Seized during investigation and relied upon

(separate list can be attached, if necessary):

Sl No	Property Description	Estimate Value	Property No.	From whom/where recovered or seized	Disposal
1.	i)One vehicle(Tata Sumo) bearing Regd. no. SK.04J0803 ii)Registration Certificate of the vehicle bearing no. SK.04J0803 Owner Narendra Chettri s/o Lal Bdr. Chetytri of Ravangla South Sikkim iii) One driving Licence Passang Sherpa s/o Phurey Sherpa Lower Sichey Gangtok East Sikkim iv)One Insurance Certificate bearing policy no.0319053122P112947096 valid upto midnight of 09/03/2024		PR No. 47/2023	Seized on 03.10.2023 by ASI Ravi Lepcha	An order may kindly be passed to produced the same before Ld. Court
	i)One vehicle (Goods carrier) bearing Regd. No. UK04CA5636 ii) Registration Certificate in the name of Manoj Kr. Pandey s/o Paras Nath Pandey of Subash Nagar Kichha Road Lalkuan Dist. Nainital Uttarkhand 263126 iii)One driving Licence of driver Mausam Khan s/o Nausey Khan of Shahi Meerganj Bareilly 243505 iv)One Certificate of fitness of vehicle (Goods carrier) bearing Regd. No. UK04CA5636 v)One insurance certificate bearing policy no.253803/31/2024/1221 valid till 30/08/2024		PR.NO. 48/2023	Seized on 03.10.2023 by ASI Ravi Lepcha	An order may kindly be passed to produced the same before Ld. Court

FORM- VIII**SITE PLAN**

**By Investigating Officer (through Roads & Highway Engineer) to Claims
Tribunal Along with DAR within ninety (90) days of Accident**

FIR No.	33/23	
Date	03/10/2023	
Under Section	279/337/338/427 IPC	
Police Station	LAVA	

1.	Date of preparation of site plan	
2.	Type of collision(collison from)	Hit from back Vehicle to pedestrian Run-off road Vehicle overturn Head on collision Other (Specify)
3.	Road direction	One-way Two-way Other (Specify)
4.	No. of lanes	
5.	Width of road	
6.	Place of accident	Tumlang 11TH MILE NH10 Rangpo CP under Lava PS.
7.	Detailed Site Plan with road and junction name, direction and location of vehicle(s) on the road	
8.	Other details	
i.	Area Type	Rural Urban Sub-urban
ii.	Road Owning Agency	National Highway Under NHAI National Highway Under State PWD National Highway Under Other Departments Corporation Road Municipality Road Panchayat Union Road Panchayat Road

iii.	Type of Structure	<p>Normal Road</p> <p>Grade</p> <p>Road Over Bridge</p> <p>Culvert</p> <p>Road Under Bridge</p> <p>River Bridge</p> <p>Vehicular Under Pass</p> <p>Limited Use Subway</p> <p>Causeway</p>
iv.	Type of Road Surface	<p>Bituminous / Asphalt</p> <p>Water Bound Macadam (WBM) / Metalled Roads</p> <p>Paver Block Road</p> <p>Gravel Road</p> <p>Murrun Road</p> <p>Earthen/Kutcha Road</p>
v.	Surface Condition	<p>Good</p> <p>Reveling</p> <p>Loose</p> <p>Flooded</p> <p>Slippery/ Oily</p> <p>Muddy</p>
		<p>Corrugated / Wavy road</p> <p>Pot Holes</p> <p>Snowy</p> <p>Road Under Repair</p> <p>No Influence on Accident</p>
vi.	Type of Carriageway	<p>Single Lane (1 Way)</p> <p>Single Lane (2 Way)</p> <p>Immediate Lane</p> <p>2 Lane (1 Way)</p> <p>2 Lane (2 Way)</p> <p>3 Lane (1 Way)</p> <p>3 Lane (2 Way)</p> <p>4 Lane Undivided (2 Way)</p> <p>4 Lane divided (2 Way)</p> <p>6 Lane Undivided (2 Way)</p> <p>6 Lane divided (2 Way)</p> <p>8 Lane divided (2 Way)</p>

vii.	Accident Location	Straight Road At Junction Nearby Junction Horizontal Curve Vertical Curve Nearby Bus Stop
viii.	Horizontal Curve	Simple Curve Compound Curve Reverse Curve Deviation Curve Transition Curve
ix.	Vertical Curve	Symmetrical Crest / Summit Vertical Curve Unsymmetrical Crest / Summit Vertical Curve Symmetrical Sag Vertical Curve Unsymmetrical Sag Vertical Curve
x.	Junction Type	Round about Staggered Y-Junction Four-arm Square Junction More than Four-arm Elevated Junction (3-arm/4-arm) Four-arm Cross Junction
		Guarded Level Crossing Unguarded Level Crossing T-Junction
xi.	Junction Control	No Control Flashing Signal Give Way Sign Stop Sign Traffic Signals Manned Control
xii.	Sight Distance	Available to Junction Available to Curve Straight Reach Not Applicable
xiii.	Speed Limit	Below 40 40 – 60 60 – 80 80 – 90 Above 90 Not Available

xiv.	Road Margins	Shoulders Pedestrian / Cycle Track Bus Bay Guard Rails / Crash Barriers Service Lane Parking Lane Not Applicable
xv.	Type of Terrain	Plain Terrain (0 to 10%) Rolling Terrain (10 to 25%) Mountainous Terrain (25% to 60%) Steep Terrain (Above 65%)
xvi.	Type of Surface Gradient	Ruling Gradient Limiting Gradient Minimum Gradient Floating Gradient Exceptional Gradient Average Gradient
xvii.	Physical divider / Barrier	Yes No
xviii.	Type of Median	Depression / Flush Median Crash Barrier Flexible / Portable Divider Concrete Divider Raised Median with Anti-Glare Measures Raised Median without Anti-Glare Measures Kerb Median
xix.	Pedestrian Infrastructure	Footpath Footpath with Guard Rail Signalized Zebra Crossing Un Signalized Zebra Crossing Signalized Mid-Block Zebra Crossing Unsignalized Mid-Block Zebra Crossing Foot Over Bridge Subway Tabletop Crossing Not Applicable
xx.	Ongoing Road Work	Yes No
xxi.	Road Markings	Available Faded Not Available

xxii.	Road Sign Board	Available and Reflective Available and Non Reflective Not Available
xxiii.	Factors of Road Accident	Road Obstructions Uneven Road Surface Slippery Road Surface Narrow Width Non Provision of Parapets / Crash Barrier Inadequate Sight Distance Illegal Parking / Abandoned Vehicle Road / Building Construction Work Blind Curve Not Applicable

S.H.O./I.O P.I.S./EMPLOYEE No. : ASI. Ravi Lepcha

Phone No: 8597643530

P.S. : Lava PS.

Date : 06/12/2023

CHARGE SHEET/FINAL REPORT

(Under section 173 Cr.P.C.)

IN THE COURT OF **Ld..C.J.M. Klimpong Court, Kalimpong**

1. Dist.. **Kalimpong..P.S ...Lava.....Year...2023.....FIR No.33/2023..Date 03.10.2023.**
2. **Final Report/Charge sheet No. ...25/2023 Date...30.11.2023.....**
 - (i) Act Section ..**279/337/427 IPC,**
 - (ii) Other Acts and Section.....
5. Type of final report: Charge Sheet/ Untraced/ Unoccurred/ not Charge Sheeted for want of evidence
.....**Charge Sheet**.....
6. If F.R unoccurred: False/ Mastake of Fact/ Mistake of Law/ Non cognizable/ Civil Nature.....
7. If Supplementary of Original**Original**.....
8. Name, Rank and Number (if any) of the I.O.(s).**ASI Ravi Lepcha of Lava PS**
 - (a) Name of Complainant / Informant.....**Passang Sherpa**
 - (b) ~~Father's~~ / Husband's Name**Phurey Sherpa**
10. Date on which the complainant /Informant was informed of the result **On ...30.11.2023.**
11. Detail of properties/Articles/Document recovered/Seized during investigation and relied upon
(separate list can be attached, if necessary):

SL No	Property Description	Estimate Value	Property No.	From whom/where recovered or seized	Disposal
01.	i)One vehicle(Tata Sumo) bearing Regd. no. SK.04J0803 ii)Registration Certificate of the vehicle bearing no. SK.04J0803 Owner Narendra Chettri s/o Lal Bdr. Chetytri of Ravangla South Sikkim iii) One driving Licence Passang Sherpa s/o Phurey Sherpa Lower Sichey Gangtok East Sikkim iv)One Insurance Certificate bearing policy no.0319053122P112947096 valid upto midnight of 09/03/2024		PR No. 47/2023	Seized on 03.10.2023 by ASI Ravi Lepcha	An order may kindly be passed to produced the same before Ld. Court
02.	i)One vehicle (Goods carrier) bearing Regd. No. UK04CA5636 ii) Registration Certificate in the name of Manoj Kr. Pandey s/o Paras Nath Pandey of Subash Nagar Kichha Road Lalkuan Dist. Nainital Uttarkhand 263126 iii)One driving Licence of driver Mausam Khan s/o Nausey Khan of Shahi Meerganj Bareilly 243505 iv)One Certificate of fitness of vehicle (Goods carrier) bearing Regd. No. UK04CA5636 v)One insurance certificate bearing policy no.253803/31/2024/1221 valid till 30/08/2024		PR.NO. 48/2023	Seized on 03.10.2023 by ASI Ravi Lepcha	An order may kindly be passed to produced the same before Ld. Court

- 11.A. Number of accused persons charge sheeted:- 01(One)
- 11.B. Number of accused persons not charge sheeted...NIL
12. Particulars of accused persons charge sheeted.
- (i) Name ... **Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh(Arrested on 03/10/23 and produced before Ld. CJM Court on 04/11/2023)**
- (ii) Father's/ Husband's Name.....
- (iii) Date/ Year of Birth.....
- (iv) Sex.....
- (v) Nationality.....
- (vi) Religion.....
- (vii) Whether SC/ST.....
- (viii) Occupation.....
- (ix) Address.....
- (x) Provisional Criminal No.....
- (xi) Regular criminal No.....
- (xii) Date of Arrest.....
- (xiii) Date of Released on Bail.....
- (xiv) Date on which forwarded to Court...
- (xv) Under Act and section.....279/337/338/427 IPC.
- (xvi) Name(s) and Address of sureties.....
- (xvii) Previous conviction with case reference.....
- (xviii) Forwarded-/ Bailed by Police-/Under police Custody-/ Bailed by Court /In judicial Custody/ Absconding-/Proclaimed Offender
13. Particulars of accused persons not charge sheeted.(suspected)
- (i) Name.....
- (ii) Father's/ Husband's Name... ..
- (iii) Date/ Year of Birth.....
- (iv) Sex.....
- (v) Nationality.....
- (vi) Religion.....
- (vii) Whether SC/ST.....
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- (ix) Address.....
- (x) Provisional Criminal No.....
- (xi) Suspicion Approved.....
- (xii) Forwarded /Bailed by Police/ Bailed by Court/In judicial Custody/ Absconding/Proclaimed offender...
- (xiii) Under Act and Sections.....
- (xiv) Any special remarks including reason for not charge sheeted....
(Attached separate sheet, if necessary)

14. Particulars of witnesses to be examined:

SL No	Name	Father's/ Husband Name	Date/Year of Birth	Occupation	Address	Type of evidence to be tendered
1	2	3	4	5	6	7
1)	Phul Maya Lama w/o K.B. Lama of Makha Jharghaon PS. Singtam East Sikkim(9593388183)					
2)	Urgen Lama s/o Nirmal Lama of Makha Jharghaon PS. Singtam East Sikkim(9593388183)					
3)	Mebisha Gurung d/o Purna Gurung of Rongli PS. Rongli East Sikkim(6296610496)					
4)	Passang Sherpa S/O Phurey Sherpa resident Lower Sichey PS -Sadar Gangtok East Sikkim(8370824978)					
5)	Sanjib Roy Automobile Engineer Mechanical Expert c/o Nirmala Nalini Panpara PS. Kotwali Dist. Jalpaiguri-735101(7031594322)					
6)	Dr. N.Topden Bhutia Medical Officer Incharge HWC-PHC Rangpo Health & FW Deptt. Government of Sikkim(9735000231)					
7)	SI. Laxman Pokhrel O/C Lava PS. Dist. Kalimpong(9733096342)					
8)	ASI Ravi Lepcha of Lava Dist. Kalimpong(8597643530)					
Above all may kindly be summoned						

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

16. Result of laboratory analysis.....

17. Brief fact of the case: - The brief fact of the case is that on 03.10.2023 received a written complaint from one Passang Sherpa S/O Phurey Sherpa resident Lower Sichey PS -Sadar Gangtok East Sikkim to the effect that on 03.10.25 at about 14.45 hrs. when one routed passenger vehicle (Tata Sumo) bearing Regd No.SK-04J 0805 was coming from Jaigaon enroute to Gangtok with some passengers at Tumalang, Rangpo on NH-10 under PS Lava one Siliguri bound goods Vehicle bearing Regd. No.UK-04/CA-5636 which was coming from Sikkim side - in excessive speed dashed the passenger vehicle rash and negligently following which both the vehicle got damaged, three passengers were sustained injuries namely 1)Phul Maya Lama w/o KB Lama of Makha South Sikkim 2) Urgen Lama S/O Nina Lama of Makha and 3)Mebisha Gurung D/O Purney Gurung Rongli Lingtang Sikkim all of them were shifted to the Rangpo PHC for their medical treatment. Over the written Complaint forwarded by OC Rangpo CP started Lava PS Case no: 33/23, Dated: 03.10.2023, U/S 279/337/338/427 IPC and endorsed to me for its investigation

During investigation of the case I visited PO as identified by the complainant I prepared rough sketch map of the PO with its index in separate sheet of the paper. Then I examined the available witnesses and recorded their statement U/S 161 Cr.Pc. I seized both the vehicle 1) SK-04J 0805 2) UK-04/CA-5636 with its documents in proper seizure list. I arrested the driver of the offending vehicle Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh under proper memo of arrest.

On 04/10/2023 I forwarded the accused person Mausam Khan s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh to the court of Id. Chief Judicial Magistrate Kalimpong under proper police escort with all connected papers. I sent the requisition to the mechanical expert to examine vehicle 1) SK-04J 0805 2) UK-04/CA-5636 and to supply report.

On 06/10/2023 I received the mechanical examination report of the vehicle 1) SK-04J 0805 2) UK-04/CA-5636 from Sanjib Roy Mechanical Expert, Panpara, PS. Kotwali Dist. Jalpaiguri. Expert opined that, "From the technical point of view it appears to me that the accident occurred due to other than mechanical failure."

Contd- Col No. 17 .. 3

On 17/10/23 I received the Ld. Court order no. 05 dtd. 17/10/2023 regarding release of the seized vehicle UK-04/CA-5636 and gave zimma of the said vehicle with all documents except DL to Mausam Khan s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly properly following the Ld. Court order on condition to produce the same before Ld. Court on call.

On 18/10/23 I collected an injury report of the injured persons 1)Phul Maya Lama w/o KB Lama of Makha South Sikkim 2) Urgen Lama S/O Nima Lama of Makha and 3)Mebisha Gurung D/O Purney Gurung Rongli Lingtang Sikkim.

During investigation of the case it could be learnt from the accident site scenario that due to negligently driving in an excessive speed vehicle bearing no. UK-04/CA-5636 was completely on wrong side of the road which caused an accident.

It is to be noted that during investigation I had observed all the formalities as per law and prima facie charge u/s 279/337/427 IPC has well been established against the accused driver of the vehicle UK-04/CA-5636 Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh.

Hence after consulting with my superior I am submitting the Lava PS. Charge Sheet no. 25/23 dtd. 30/11/2023 u/s 279/337/427 IPC against the accused person Mausam Khan(44yrs) s/o Nausey Khan r/o Gram Dhaneli Thana Shahi Meerganj Bareilly Utter Pradesh to stand his trial in an open court of law as the complicities on the part of the accused person has been well established. Supplementary Charge Sheet will be submitted on the event of any further development in this case. P/Ws may kindly be summoned to prove the fact during trial and seized articles may kindly be ordered to be put up in the Ld Court during trial.

The result of investigation of this case is being intimated to the complainant accordingly.

Dispatched on ...30.11.2023

Forwarded

[Signature]
30/11/2023

Officer - In - Charge
Lava Police Station
District Kalimpong

Forwarded

[Signature]
5/12/2023

Circle Inspector of Police
Pedong, Kalimpong

Submitted

Asst. Ravi Lepcha
30/11/2023

ASI. Ravi Lepcha
(I.O. of the case)
P.S. Lava Dist. Kalimpong

FORM-VII**DETAILED ACCIDENT REPORT (DAR)**

By Investigating Officer to Claims Tribunal within ninety (90) days of Accident
Copy to Victim(s)/ claimant(s), Driver, Owner, Insurance Company and SLSA

FIR No.	33/23	
Date	03/10/2023	
Under Section	279/337/338/427 IPC	
Police Station	LAVA	

1.	Date of Accident	03/10/2023	
2.	Time of Accident	14.45hrs	
3.	Place of Accident	11 TH MILE TUMLANG NH10ROAD	
4.	Nature of Accident	Simple Injury Grievous Injury Fatal Damage/loss of the property Any other loss/injury	
5.	Offending Vehicle Details		
	Registration No.	UK 04CA5636 TRUCK	
	Make	TATA MOTORS LTD	
	Model	TATA LPT 1109EX/42	
	Vehicle Type	Motorised 2-wheeler Auto Car/Jeep/Taxi Cycle Rickshaw Hand Drawn Cart Bicycle Tempo/Tractor Truck/Lorry Animal Drawn Cart Bus Heavy Articulated Vehicle/ Trolley Not Known Other (Specify)	
	Vehicle Use Type	Private Vehicle Commercial Vehicle Goods & Carriage Garbage Truck Taxi/Hired Vehicle Public Service Vehicle Educational Institute Bus Others (Specify)	

6.	Driver of offending vehicle		
	Name	MAUSAM KHAN	
	Father's Name	NAUSEY KHAN	
	Mobile No.	9690487751	
	Address	GRAM DHANELI THANA SHAHI MEERGUNG BAREILLY UTTER PRADESH	
	Driving Licence	Permanent Learner's Juvenile Without License Others (Specify)	
	Driving Licence No.	UP2520070015649	
	Validity of Licence	13/11/2024	
	Licensing Authority	UP 25 BAREILLY	
7.	Owner of offending vehicle		
	Name	MANOJ KUMAR PANDEY	
	Father's Name	PARASNATH PANDEY	
	Mobile No.	9358194185	
	Address	SUBASH NAGAR KITCHA ROAD DIST NAINITAL UTTRAKHAND	
8.	Insurance Details of offending vehicle		
	Policy No.	253803/31/2024/1221	
	Period of Policy	FROM 31/08/23 TO 31/08/2024 MIDNIGHT	
	Name of Insurance Company	MOTOR INSURANCE CERTIFICATE CUM POLICY SCHEDULE GCCV- PUBLIC CARRRRIERS OTHER THAN THREE WHEELERS PACKAGE POLICY-ZONE C	
9.	Whether License has been verified from the Authority. <i>If yes, attach report If no, give reasons</i>	Yes No	
10.	Whether Driving Licence suspended/ cancelled <i>If yes, give details</i>	Yes No	
11.	Whether driver injured during the accident <i>If yes, give details</i>	Yes No	
12.	Vehicle was Driven by	Owner Paid Driver Other (Specify)	

13.	Whether the Driver was driving under the influence of alcohol/ drugs <i>Whether findings based on scientific report. If yes, give details</i>	Yes No	
14.	Whether driver carrying mobile phone at the time of accident <i>If yes, give details of Mobile</i>	Yes No	
	Mobile No.	9690487751	
	IMEI No.		
	Make & Model		
15.	Whether driver previously involved in motor accident case(s) <i>If yes, whether case pending or decided by MACT? Give details of The FIR and MACT case</i>	Yes No	
16.	In case of commercial vehicle		
	Permit details		
	Fitness details		
17.	Whether Permit and Fitness have been verified from the Authority <i>If yes, attach report If no, give reasons</i>	Yes No	
18.	Whether the Owner reported the accident to the Insurance Company <i>If yes, give date</i>	Yes No	
19.	In case the driver fled from spot, whether the owner produced the driver before the police <i>If yes, attach the copy of notice under Section 133 of Motor Vehicles Act.</i>	Yes No	
Victim(s) details			

20.	Victim(s)	Pedestrian/Bystander Cyclist Two-wheeler In other Vehicle Others (Specify)	
<u>DEATH CASE</u>			
21.	Name of the deceased	NIL	
22.	Age of the deceased	NIL	
23.	Occupation	NIL	
24.	Details of Legal Representatives of the deceased		
	Name	Relationship	Age
(i)	NIL	NIL	
(ii)	NIL	NIL	
(iii)	NIL	NIL	
(iv)	NIL	NIL	
(v)	NIL	NIL	
<u>INJURY CASE</u>			
25.	Name of the injured		
26.	Age		
27.	Occupation		
28.	Nature of Injury		
	Simple		
	Grievous		
29.	Details of Injury		
30.	Offences Charged		
	<u>Indian Penal Code, 1860</u>		
a.	Section 279	Rash driving or riding on a public way	
b.	Section 337	Causing hurt by act endangering life or personal safety of others	
c.	Section 338	Causing grievous hurt by act endangering life or personal safety of others	
d.	Section 304-A	Causing death by negligence	
e.	Any other offence		
	<u>Motor Vehicles Act, 1988</u>		
a.	Sections 3/181	Driving without license	
b.	Sections 4/181	Driving by minor	

c.	Sections 5/180	Allowing unauthorized person to drive	
d.	Section 182	Offences relating to licenses	
e.	Sections 56/192	Without fitness	
f.	Sections 66(1)/192A	Without permit	
g.	Sections 112/183(1)	Over speeding	
h.	Sections 113/194	Over loading	
i	Sections 119/184	Jumping red light	
j.	Sections 119/177	Violation of mandatory signs(One way, No right turn, No left turn)	
k.	Sections 122/177	Improper/ obstructive parking	
l.	Sections 146/196	Without insurance	
m.	Section 177/Rules of Road Regulation 17(1)	Violation of “One way”	
n.	Section 194(1A)/ Rules of Road Regulation 29	Carrying High/Long Load	
o.	Section 184/ Rules of Road Regulation, rule 6	Violation of “No overtaking”	
p.	Section 177/Central Motor Vehicles Rules, 1989 Rule 105	Without light after sunset	
q.	Section 179	Disobedience of orders,obstruction and refusal of information	
r.	Section 184	Driving dangerously	
s.	Section 184	Using mobile phone while driving	

t.	Section 185	Drunken driving/ drugs	
u.	Section 186	Driving when mentally or physically unfit to drive	
v.	Section 187	Violation of Sections 132(1)(a), 133 & 134	
w.	Section 190	Using vehicle in unsafe condition	
x.	Section 194A	Carrying more passengers than authorized	
y.	Section 194B/ Central Motor Vehicles Rules, 1989 Rule 138(3)	Driving without a safety belt	
z.	Section 194 C	Penalty for violation of safety measures for motorcycle driver and pillion rider	
a.a	Section 194 D	Penalty for not wearing protective headgear	
b.b	Section 194 E	Failure to allow free passage to emergency vehicles	
c.c	Section 194 F	Using the horn unnecessarily or in places where it is prohibited	
d.d	Section 197	Taking vehicle without authority	
e.e	Section 199A	Offence committed by juveniles	
f.f	Any other offence		
31.	Detailed description of the Accident		
32.	Direction(s) required from the Claims Tribunal		
i.	The driver of the offending vehicle has not furnished Form-III/has furnished incomplete Form-III, despite letter(s) dated.....[Copy (s) attached]. The driver be directed to furnish the Form-III before this Tribunal within 15 days.		
ii.	The owner of the offending vehicle has not furnished Form-IV/ has furnished incomplete Form-IV, despite letter(s) dated.....[Copy (s) attached]. The owner may be directed to furnish the Form-IV before this Tribunal within 15 days.		

iii.	The victim(s) of the accident has/have not furnished Form-VI/ Form-VIA/ has furnished incomplete Form-VI/ Form-VIA, despite letter(s) dated..... [Copy (s) attached]. The victim may be directed to furnish the Form-VI/ Form-VIA before this Tribunal within 15 days.	
iv.	The Registration Authority has not given the Verification Report despite letter(s) dated.....[Copy (s) attached]. The Registration Authority be directed to furnish the Verification Report directly before this Tribunal within 15 days.	
v.	The Hospital has not given the MLC/ Post Mortem report despite letter(s) dated [Copy (s) attached]. The Hospital be directed to furnish the above-mentioned documents directly before this Tribunal within 15 days.	
33.	Documents to be attached	
	Document	Attached Not Attached
i.	FIR	
ii.	Form-I - First Accident Report (FAR)	
iii.	Form-II - Rights of Victim(s) and Flow Chart	
iv.	Form-III - Driver's Form along with documents submitted	
v.	Form-IV - Owner's Form along with documents submitted	
vi.	Form-V - Interim Accident Report (IAR) along with documents submitted	
vii.	Form-VI- Victim's Form along with documents submitted	
viii.	Form-VIA - Details of minor children of the Victim along with documents submitted	
ix.	Form-VII- Detailed Accident Report (DAR)	
x.	Form-VIII - Site Plan	
xi.	Form-IX - Mechanical Inspection Report	
xii.	Form-X - Verification Report	
xiii.	Form-XI - Insurance Form along with documents submitted	
xiv.	Photographs of the scene of accident from all angles	
xv.	Photographs of all the vehicles involved in the accident from all angles	
xvi.	CCTV Footage of the accident	

xvii.	Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974)		
xviii.	Copy of notice under section 133 of the Motor Vehicles Act, 1988		
	DEATH CASE		
xix.	Post-Mortem Report		
	INJURY CASE		
xx.	Medico Legal Case (MLC) form		
xxi.	Multi angle photographs of the injured		
	OTHER DOCUMENTS		
xxii.	Letter(s) of the Investigating Officer demanding the relevant information/ documents from the driver		
xxiii.	Letter(s) of the Investigating Officer demanding the relevant information /documents from the owner		
xxiv.	Letter(s) of the Investigating Officer demanding the relevant information/ documents from the Insurance Company		
xxv.	Letter(s) of the Investigating Officer demanding the relevant information/ documents from the Victim(s)		
xxvi.	Letter(s) of the Investigating Officer demanding the relevant information/ documents from the Registration Authorities		
xxvii.	Letter of the Investigating Officer demanding the relevant information/ documents from the Hospital		

Verification:

Verified at Rangpo CP Lava PS___on this 03/01/24_day of that the contents of the above report are true and correct, and the documents were gathered during investigation.

ASI. RAVI LEPCHA(I.O.)
RANGPO CP LAVA PS
DIST. KALIMPONG

FORM- IX

MECHANICAL INSPECTION REPORT

**By Investigating Officer (through Motor Vehicle Inspector) to Claims Tribunal
Along with DAR within ninety (90) days of Accident**

FIR No.	33/23
Date	03/10/2023
Under Section	279/337/338/427 IPC
Police Station	LAVA

Date of Mechanical Inspection	04/10/2023
Name of Motor Vehicle Inspector	SANJIB ROY
Registration No. of Motor Vehicle Inspector	029700-3

1.	Vehicle Registration No.	SK04J 0803
2.	Vehicle Type	Motorized 2-wheeler Auto Car/Jeep/Taxi Cycle Rickshaw Hand Drawn Cart Bicycle Tempo/Tractor Truck/Lorry Animal Drawn Cart Bus Heavy Articulated Vehicle/ Trolley Not Known Other (Specify)
3.	Vehicle make	TATAMOTORS LTD
4.	Model Name	2013
5.	Colour of vehicle	
6.	Engine Number	497JPTC43BWY607964
7.	Chassis Number	MAJ446502D9604593
8.	Location of vehicle inspection	
	Accident Site	
	Garage	
	Other (Specify)	

9.	In case of Commercial Vehicle	
	Details of Fitness	
	Details of permit	
10.	Evidence of Impact 1 (Paint Transfer)	
	Paint Transfer found	Yes No
	Colour of Paint Transfer	
	Location of Paint Transfer	
11.	Evidence of Impact 2 (Scratch marks/ Others)	
	Type of scratch	
	Location of scratch	
12.	Point of Impact	
13.	Mechanical condition of Vehicle	
	Steering	
	Wheels	
	Wipers	
	Mirrors	
	Others	
14.	Whether vehicle modified by	
	Installing CNG/LPG Kit	
	Change of vehicle body	
15.	Condition of Tyres	Original Retreaded
16.	Horn	
	Whether installed	Yes No
	If yes, whether functional	Yes No
17.	Brake lights & other lights functional	Yes No
18.	Whether vehicle had faulty number plate	Yes No
19.	Status of Airbags	
	Whether the vehicle fitted with airbags	Yes No
	If yes, whether airbags were deployed	Yes No
20.	For educational institution bus, whether the vehicle was fitted with the doors that can be shut & whether the vehicle had a suitable inscription to indicate that they are in the duty of an educational institute	
21.	Whether vehicle had tinted glasses	Yes No
22.	Speed Limiter Devices in cases of PSVs (Commercial Vehicles)	
	Whether vehicle fitted with Speed Limiter	Yes No
	If yes, whether functional	Yes No

23.	Parking Sensors	
	Whether Rear Parking Sensors installed	Yes No
	If yes, whether functional	Yes No
24.	Vehicle Location Tracking (VLT) Devices	
	Whether installed	Yes No
	If yes, whether functional	Yes No
25.	Description of damage (including internal & external damage and estimated cost of damage)	
26.	Other details	
i.	Vehicle Category	Motorized Non-motorized
ii.	Registration Number Status	Known Unknown Without Registration
iii.	Registration Number Status	Permanent Registration No. Temporary Registration No. Trade Certificate No. None Obtained
iv.	Load Category	Passengers Goods
v.	Year of Manufacture	2013
vi.	Age of vehicle	10YRS
vii.	Vehicle Description	Transport Vehicle Non-transport Vehicle
viii.	Pollution under Control Certificate Validity	
ix.	Tax Details	
x.	Seat Capacity	
xi.	Insurance Company	
xii.	Disposition	Can be driven away Need to be towed Cannot be towed
xiii.	Manoeuvre at Accident	Turning Right Turning Left Overtaking from left Making U turn Going ahead overtaking Going ahead not overtaking Parked Reversing

		<p>Sudden Start</p> <p>Starting from off side</p> <p>Starting from near side</p> <p>Sudden Stop</p> <p>Merging</p> <p>Diverging</p> <p>Stationary</p> <p>Using Private Entrance</p> <p>Parking Vehicle</p> <p>Temporarily Held Up</p>
xiv.	Vehicle Damage	<p>Rear Damage</p> <p>Front Damage</p> <p>Top Damage</p> <p>Left Damage</p> <p>Right Damage</p> <p>Multiple Damage</p> <p>No Damage</p> <p>Total Damage</p>
xv.	Accused/ Victim	<p>Accused Vehicle</p> <p>Victim Vehicle</p> <p>Not Known</p>
xvi.	Brake Type	<p>Air Brake</p> <p>Hydraulic</p> <p>Mechanical</p> <p>Vaccum Assisted Hydraulic Brake</p>
xvii.	Condition of Brake	<p>Air Brake</p> <ul style="list-style-type: none"> • Satisfactory • Want of air • Leakage of air • Worn out parts <p>Hydraulic</p> <ul style="list-style-type: none"> • Satisfactory • Want of fluid • Leakage of fluid <p>Mechanical</p> <ul style="list-style-type: none"> • Satisfactory • Worn out parts • Lack of Lubrication

		<ul style="list-style-type: none"> Slackness in adjustment Vaccum Assisted Hydraulic Brake <ul style="list-style-type: none"> Satisfactory Want of fluid Leakage of fluid Want of air Leakage of air Worn-out parts
xviii.	Condition of Foot Brake	Active Inactive
xix.	Condition of Hand Brake	Active Inactive
xx.	Brakes Even or Not	Even Not even
xxi.	Mechanical Failure	Yes No
xxii.	Tyre Condition	Worn Out In Order Remoulded Original Satisfactory Bald Wear Bead Separation Belt Separation Bent Bead Broken Bead Feathering Wear Shoulder Separation Tyre Puncture Sidewall Cut Letter Defect Cracking Between Tread Flat Spot Wear One side wear Sidewall Bubble Tread Separation Mushroomed Tread Rapid Shoulder Wear Rapid Centre Wear Tyre Burst/Blowouts Cupping / Scalloped Wear Damaged Bead Sidewall Tear

		Sidewall Wear
xxiii.	Mechanical	Wornout parts Lack of lubrication Defective parts Slackness in adjustment
xxiv.	Vehicle Defect Type	No defect Bald tyre Brakes Head Lights Steering Tyre puncture Multiple defects None of these
xxv.	Accident Due to	Vehicle Defect Road Defect Both Vehicle and Road defect Not a Mechanical Defect Opinion cannot be given None of the above
xxvi.	Steering Type	Electronic Hydraulic Mechanical
xxvii.	Steering Condition	Free Not Working Working In order
xxviii.	Condition of Wheels	Satisfactory Wheel Rim Bent Wheel Rim Damaged
xxix.	Whether Vehicle Modified	Yes No
xxx.	Whether Rear Parking Sensors Installed	Yes No
xxxi.	Type of Scratch	No Scratch Marks Found Paint Scratch Marks Found Not Found
xxxii.	Damage Status	Rear Damage Front Damage Top Damage Left Damage Right Damage

		Multiple Damage No Damage Total Damage
xxxiii.	Vehicle had a faulty Number plate?	Yes No
xxxiv.	Run Protection Device and Side Under Run Protection Device	Yes No
xxxv.	Bull Bars	Yes No
xxxvi.	Reflective Tapes	Yes No
xxxvii.	Wind Screen Safety	Yes No
xxxviii.	Track Mark	Yes No
xxxix.	Check Report Issued?	Yes No

1. Photographs of the vehicle Images/ Videos to be attached:

1. Main Resting Place of Vehicle
2. Damage to Vehicle
3. Damage to Property

Motor Vehicle
Inspector Date : 04/10/2023

FORM-X

VERIFICATION REPORT

**By Investigating Officer to Claims Tribunal Along with DAR within ninety (90) days of
Accident through information available on VAHAN Database**

FIR No.	33/23
Date	03/10/2023
Under Section	279/337/338/427 IPC
Police Station	LAVA

1.	Vehicle Registration No.	SK04J 0803
	Validity Period	
2.	Engine No.	497JPTC43BWY607964
3.	Chassis No.	MAJ446502D9604593
4.	Category of Vehicle	LMV / HMV/MGV Private or Commercial
5.	Vehicle Make & Model	
	Make	TATA MOTER LTD
	Model	2013
6.	Owner Details	
	Name	NARENDRA CHETTRI
	Address	RAVANGLA SOUTH SIKKIM
7.	Details of Insurer	NIL
8.	Details of Permit	NIL
	Permit No.	NIL
	Validity	NIL
9.	Details of Fitness Certificate	
	Fitness Certificate No.	NIL
	Validity	NIL
10.	In case record not available, state reasons	NIL

S.H.O./I.O

P.I.S./EMPLOYEE No. : ASI RAVI LEPCHA

Phone No. : _____

P.S. : _____