

(2009) 05 AHC CK 0368
In the Allahabad High Court

U.P.State Road Transport Corporation	APPELLANT
Vs	
Padam Kumar Shukla And Another	RESPONDENT

Date of Decision : 22-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0368

Hon'ble Judges : Amitava Lala, J and Devendra Kumar Arora, J

Final Decision : Dismissed

Judgement

Amitava Lala and D.K.Arora, JJ.

This is an appeal of the Uttar Pradesh State Road Transport Corporation Ltd. (for short UPSRTC) challenging the judgment and order passed by Motor Accidents Claims Tribunal, Kanpur Dehat dated 4th February, 2009 on the ground that as per natural witnesses i.e. the driver and conductor, no accident was caused on the fateful date and time, therefore, there is no question of injury caused to the claimant by the said bus under the UPSRTC. We have gone through the evidence of driver and conductor and we find along with tribunal that the bus run on road on the fateful date and at the relevant point of time reached to the place of accident i.e. "Belhore". It has been further contended by the learned counsel appearing for the appellant that an F.I.R. has been lodged after 18 days from the date of accident i.e. 21st October, 2006. On enquiry we find that a charge sheet has been filed against the bus. Therefore, we cannot hold that the bus was not involved at all. It has been pointed out by Mr. R.C.Agrahari, learned counsel appearing for the claimant/respondents that the driver fled away from the place of accident and in such situation he can not be a natural witness of the accident. In any event, when the police made investigation in spite of filing F.I.R. after 18 days and the charge sheet has been filed, the piece of evidence which led the police to file charge sheet, cannot be ignored and such type of evidence will be considered by the court as independent generally. Therefore, we do not find any cogent reason to interfere with the order impugned as passed by the tribunal. Hence, the appeal is dismissed even at the stage of admission, however, without

imposing any cost.

Incidentally, the appellant corporation prayed that the statutory deposit of Rs. 25,000/ made before this Court for preferring this appeal be remitted back to the concerned Motor Accidents Claims Tribunal as expeditiously as possible in order to adjust the same with the amount of compensation to be paid to the claimants, however, such prayer is allowed.