



2026:AHC:178999

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 1405 of 2012

United India Insurance Company Ltd.

.....Appellant(s)

Versus

Smt. Saba Anjum And Anr.

.....Respondent(s)

Counsel for Appellant(s)	:	Ajay Singh
Counsel for Respondent(s)	:	Anubhav Singh, Prem Shanker Prasad

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Sri Ajay Singh, learned counsel for the appellant and Sri Prem Shanker Prasad, learned counsel for respondents are present.

2. This instant appeal has been preferred by the appellant with a prayer to set aside the judgment and award dated 24.12.2011 passed by the Motor Accident Claims Tribunal/Additional District Judge, Court No. 12, Allahabad in M.A.C.P. No. 213 of 2007 (Smt. Saba Anjum vs. Shri Shailendra Kumar and another).

3. Respondent claimants have filed cross objection no. 60 of 2019 with a prayer to enhance the award dated 24.12.2011 passed by the Motor Accident Claims Tribunal No. 213 of 2007.

Facts of the Case

4. It emerges from the perusal of the judgment that the husband of the respondent-claimant died in a motorcycle accident on 28.06.2006 at about 4:00 p.m. near the Yamuna Bridge Railway Crossing. It was asserted by the claimant that her husband, Najmuddin Ansari, was riding his motorcycle towards Naini when he was hit by another motorcycle bearing registration No. UP-78AK-2680. Immediately after the accident, he was rushed to Swaroop Rani Nehru Hospital, Allahabad, where he subsequently succumbed to his injuries. At the time of the accident, the deceased was about 35 years of age and was working as an Urdu Translator at District Jail, Gyanpur, Bhadohi. He was drawing a salary of Rs. 8,000/- per month.

5. Two witnesses were examined on behalf of the claimants. The claimant herself, Smt. Sabha Sanjum, appeared as PW-1. In her statement, she admitted that she was not present at the spot when the accident occurred.

The other witness, Muhammad Altaf, was examined as PW-2 and claimed to be an eyewitness to the accident. He stated that he was himself proceeding on his motorcycle near the place of occurrence when one motorcycle overtook him and thereafter collided with motorcycle No. UP-70-AK-2680. According to him, the accident was so severe that the rider of the motorcycle fell on the spot and sustained serious injuries.

6. The testimony of PW-2 was considered by the learned tribunal but was not found reliable. The tribunal particularly noticed his statement that, after the accident, he himself left the spot. He neither took the injured to the hospital nor went to the police station to lodge the FIR or report the incident. The learned tribunal considered such conduct to be suspicious. It observed that, had PW-2 actually been present at the spot and witnessed such a serious accident, he would ordinarily have taken some steps, particularly by taking the injured to the hospital or informing the police. His complete inaction, according to the tribunal, created a serious doubt about his presence at the spot and, consequently, his testimony as an eyewitness was disbelieved.

7. However, the learned tribunal, on the basis of the First Information Report and the charge-sheet submitted against the driver/owner of the offending motorcycle, held that the accident had occurred due to the involvement of the said offending motorcycle.

Submissions on behalf of the appellant–Insurance Company

8. Learned counsel for the appellant–Insurance Company submitted that the learned tribunal itself disbelieved the statement of PW-2, who was projected as the eyewitness of the accident. Once the testimony of the sole eyewitness was found doubtful, there was no substantive evidence available on record to establish the involvement of the offending motorcycle. It was submitted that the learned tribunal has committed an error in relying upon the First Information Report and charge-sheet for holding that the accident was caused by the offending motorcycle. According to learned counsel, the charge-sheet is only the outcome of investigation and cannot take the place of substantive evidence. It was further submitted that the conduct of PW-2 was wholly unnatural, inasmuch as despite witnessing a serious accident, he neither took the injured to the hospital nor informed the police and himself left the spot. His statement, therefore, was rightly disbelieved by the tribunal and could not have been relied upon for establishing the involvement of the offending vehicle.

Submissions on behalf of the respondent–claimants

9. Per contra, learned counsel for the respondent-claimants submitted that

the learned tribunal has rightly held the accident and involvement of the offending motorcycle to be proved on the basis of the First Information Report and the charge-sheet submitted against the driver/owner of the offending vehicle. It was submitted that the proceedings before the claims tribunal are summary in nature and the claimants are not required to establish their case with the same degree of strictness as required in a criminal trial. It was further submitted that the charge-sheet was submitted after investigation by the police and, therefore, the material collected during investigation supports the case of the claimants. Merely because PW-2 was not found wholly reliable, the entire claim could not be discarded when the documentary evidence available on record supported the occurrence and involvement of the offending motorcycle. It was, therefore, submitted that the finding recorded by the learned tribunal does not call for interference.

Conclusion

10. Having considered the rival submissions and the material available on record, the question which arises is whether, after the testimony of the sole eyewitness was found doubtful, the learned tribunal was justified in relying upon the charge-sheet and other documents forming part of the police papers to hold that the accident was caused by the particular offending motorcycle. In the opinion of this Court, the answer has to be in the negative.

11. Once the eyewitness produced by the claimants was found doubtful, placing reliance upon the charge-sheet to hold that the factum of the accident involving the offending motorcycle stood proved was erroneous. The charge-sheet is not a substantive piece of evidence. It is the result of investigation conducted by the Investigating Officer after collecting evidence. Such evidence may include the statements of witnesses, site inspection, seizure of the vehicle and other material collected during investigation. However, the substantive evidence for establishing the disputed fact has to come from the witness whose testimony is found worthy of reliance before the Court. The charge-sheet by itself cannot substitute such substantive evidence.

12. The same principle would apply to the injury report, postmortem report and other documents forming part of the charge-sheet. Such documents may corroborate the fact that the deceased sustained injuries and subsequently died, and may thus establish the factum of an accident. However, they cannot, by themselves, establish the involvement of a particular vehicle in the accident. An injury report or postmortem report may establish the nature and consequence of injuries, but neither can identify the vehicle which caused those injuries. Similarly, the charge-sheet merely reflects the

conclusion reached by the Investigating Officer on the basis of the material collected during investigation and cannot, by itself, be treated as substantive proof of the involvement of the offending motorcycle.

13. Apart from the above, the testimony of PW-2 does not appear to be reliable and, in the opinion of this Court, he is not a witness upon whom reliance can safely be placed on any material aspect of the occurrence. His deposition reflects that the deceased was not known to him prior to the accident. He further stated that the driver of the offending vehicle fled immediately from the place of occurrence. This circumstance itself creates a serious doubt as to whether PW-2 could have noticed and correctly remembered the registration number of the offending motorcycle in the course of such a sudden occurrence. His subsequent conduct also does not inspire confidence. Despite claiming to have witnessed a serious accident, he neither took the injured to the hospital nor went to the police station to lodge the FIR or report the incident, but himself left the spot.

14. Thus, once the testimony of PW-2 is found unreliable, there remains no substantive evidence on record to establish the involvement of the particular offending motorcycle. The learned tribunal, therefore, could not have filled this deficiency merely by placing reliance upon the charge-sheet. The finding regarding involvement of the offending vehicle, in the facts of the present case, is consequently not sustainable.

15. Accordingly, the appeal filed by the Insurance Company is allowed. Consequently, cross objection filed by the respondent is dismissed. The impugned judgment and award passed by the learned tribunal is hereby set aside.

August 24, 2026

Ujjawal

(Anil Kumar-X,J.)