

OFFICE OF THE
SUPDT. OF POLICE (NORTH)
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Dated 08/08/10 Time.....

OFFICE OF THE DIRECTOR GENERAL OF POLICE
PUDUCHERRY

No.4/DGP/SECY/2010-56

Dated: 03.08.2010

CIRCULAR

Sub : Effective implementation of 451 and 457 CrPc and section 158 (6) of Motor Vehicle Act & Rule 150 of Central Motor vehicle Rule – Instructions issued



The Hon'ble Supreme Court of India in its judgement in the Writ Petition (C) No.14 of 2008 of General Insurance Council and Others Vs State of Andhra Pradesh and Others has pointed out that the instructions issued by the apex court in the case of Sunderbhai Ambalal Desai Vs State of Gujarat (10 SCC-2002) and also in WP (C) No.282 of 2007 of General Insurance Council Vs State of Andhra Pradesh on the mode of implementation of Sec. 451 and 457 Cr.PC and Section 158 (6) of Motor Vehicle Act 1988 and Rule 150 of Central Motor Vehicle Rules 1989 and the requirements therein are not fully complied with and hence the court has issued further directions with regard to strict compliance of the requirements of those provisions.

Section 451 CrPc deals with order by criminal court for custody and disposal of case property pending trial of the case if the property is subject to speedy and natural decay.

Section 457 CrPc deals with Order by criminal court for disposal or delivery of property seized by any police officer to the person entitled to the possession of the property when not produced during enquiry or trial.

Section 158 (6) Motor Vehicle Act.

As soon as any information regarding any accident involving death or bodily injury to any person is recorded or report under this section is completed by a police officer, the officer incharge of the police station shall forward a copy of the same within thirty days from the date of recording of information or, as the case may be, on completion of such report to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer, and where a copy is made available to the owner, he shall also within thirty days of receipt of such report, forward the same to such Claims Tribunal and Insurer.

cc: [Handwritten initials]

Rule 150 of Central motor vehicle Rules 1989

- (1) The police report referred to in Sub-Section of the section 158 MV Act shall be in form No.54
- (2) A registering authority or a police officer is required to furnish the required information in Form 54, within seven days from the date of receipt of the request and on payment of a fee Rs.10/-

2. Observation of the Supreme Court

It has been observed by the learned judges in the judgement mentioned above that **as and when vehicles are seized and kept in various police stations, not only they occupied substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on**

account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police stations for more than 15 days.

Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalized so that the vehicles become unworthy of being driven on road.

3. Directions of the supreme court

(i) The Supreme court has directed that the owner would not suffer because of its remaining unused and by its misappropriation, and hence the court or police would not be required to keep the articles in safe custody and the articles have to be handed over to the owner by preparing proper panchanama, taking photographs of such article and with due bond that such articles would be produced if required at the time of trial and proper security that can be used in evidence instead of its production before the court during trial.

(ii) Supervision by Senior police officer

In addition to the aforesaid directions, the Supreme court has further directed that all the State Governments/Union Territories/ Director Generals of Police shall ensure macro implementation of the statutory provisions and that the activities of each and every police stations, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the concerned division / Commissioner of Police of the Concerned cities / Superintendent of Police of the Concerned district.

4. Hence the following instructions are now issued for strict compliance by SSP's, SDPO's, CI's & SHO's.

(i). Police shall not keep the case articles in safe custody as the owner of the article would suffer because of its remaining unused or by its misappropriation. Instead, they should be arranged to be returned to the owner after preparing a proper and detailed panchanama, taking photographs of such articles and a bond to the concerned court that such articles would be produced if required at the time of trial, which may be used in evidence instead of its production before the court during trial.

(ii). The requirement as in section 158 (6) Motor Vehicle Act and Rule 150 of Central Motor Vehicle Rules 1989 have to be complied with and Form 54 shall be sent to the concerned.

(iii). The SSPs concerned shall ensure the disposal of the seized vehicles to the owners without delay and they shall also do periodical checking to ensure that the requirement of section 158 (6) Motor Vehicle Act 1988 and Rule 150 of Central Motor Vehicle Rules 1989 and being duly complied with.

(iv). In case there is non-compliance, appropriate action will be taken against the erring officials.

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(v). Hence the SSPs concerned shall ensure that the above requirements are scrupulously complied with by the SHOs concerned. Failure to comply will be viewed seriously.

Alok Kumar Verma

(ALOK KUMAR VERMA)
DIRECTOR GENERAL OF POLICE
PUDUCHERRY

To

All SPs/CIs/SHOs in Puducherry, Karalkal, Mahe and Yanam.

Copy to:

1. The SSP (C&I)/(L&O)/(HQ), Puducherry
2. The SSP Karaikal.

All CIs for h/a

[Signature]
SP(North) bcf

*SHOs G13, Minthial Pet PS & Subinayan OP
for necessary returns*

[Signature]
INSPECTOR OF POLICE
GRAND BAZAAR CIRCLE
PUDUCHERRY