

Motor Vehicles Act, 1988 – Section 166 – FIR against unknown vehicle – FIR was lodged by BS who stated that he was following the motorcycle a distance away and could not note the details of the vehicle nor could see the driver – Not even the make of the vehicle or the colour of the vehicle was provided to the police – The supplementary statement made by BS was not adduced in evidence – BS deposed that the details of the vehicle had been provided to him by S and B – S & B had not made any statement to the police – Accident had taken place when it was pitch dark – It was a loud thud which led BS to the spot who saw the injured lying on the road – He did not see the speeding vehicle – This was the tenor of the First Information Report – No particular vehicle was identified by him – It was in a later version that it was claimed that a third person had noted the details and had passed it on to BS and he informed the police – Pillion rider made a statement in the Court that he had noted the details of the offending vehicle when the evidence is that he had fallen unconscious after the accident – He was not in a condition to note the details or provide any information to the police and it appears that the claimants with the help of the informant had provided the details of a vehicle which was convenient and the accident clearly was a hit and run case involving an unknown vehicle – The fact that the police had filed a challan against the driver is not sufficient – The police invariably puts in the challan on the basis of the statement without getting into the truthfulness of the statements – The presence of any other witness at the accident site is also suspicious and is artificial and is not believable and no liability could have been placed upon the insurance company as the claimants could not establish the involvement of the offending vehicle – Claim dismissed.

Editor: Civil Appeal against judgment dismissed .

[2015 PLRonline 0008](#)

[.Reliance General Insurance Co. v. Munshi Singh, 2015 PLRonline 0008](#)