IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Appellate Jurisdiction)

M.A. No. 256 of 2014

Darshani Devi ..... … Appellant

Versus

Union of India ….. …. Respondent

…....

CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

.....

For the Appellant : Mrs. Chaitali Chatterjee Sinha, Advocate.
For the Respondent : Mr. Vijay Kumar Sinha, Advocate

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16/24.06.2020. Heard, learned counsel for the parties.

It appears that LCR of this case has already been received.

At the very outset, learned counsel for the appellant has submitted that though there was mentioning of a proceeding under Section 340(1)(d) and (e) of Cr.P.C., but no action has been taken in this regard against the claimant, rather a confusion cropped up in the mind of the learned Tribunal because of affidavit filed by Darshani Devi, wife of the deceased, where she has categorically stated that her husband-Munshi Yadav was travelling from Parsabad Railway Station to Howrah with 2nd Class ticket vide ticket no.98177 dated 21.03.2006 with nephew.

During cross-examination, this witness has admitted that she has not seen the deceased purchasing the ticket and thus there was confusion in the mind of the learned Tribunal, as such, learned Tribunal has dismissed the claim application directing the Railways to prefer an application under Section 340(1)(d) and (e) of Cr.P.C. for inquiry but no action has been taken in this regard.

Learned counsel for the Railway has submitted that some time may be given, so that fact may be brought on record by 21.07.2020.

Learned counsel for the Railways is directed to seek instruction with regard to the proceeding under Section 340(1)(d) and (e) of Cr.P.C. against the claimant as well as about the ticket number mentioned in examination-in-chief i.e. ticket no.98177 dated 21.03.2006.

Put up this case on 21.07.2020 for 'Hearing'.

(Kailash Prasad Deo, J.)

sandeep/R.S-