

BEFORE THE RAILWAY CLAIMS TRIBUNAL,

PATNA BENCH, PATNA

CASE No. OA (IIU)/ PNBE/216/2023

QUORUM:

Shri Deepak Nath Tiwari, Member (Judicial).

Railway Claims Tribunal, Gorakhpur Bench, Circuit Bench at Patna Bench

Shri Shiv Kumar Prasad, Member (Technical)

Railway Claims Tribunal, Patna Bench.

PARTIES

1. Puja Kumari, W/o Late Mangal Sahu
2. Prema Devi, W/o Late Siyaram @ Siyaram Sahu

Both Resident of Vill/ Mohalla: Pipraul Pukhata, P.S. Ujani, Dist: Budaun,
UP. 243636

.. **Applicants**

Versus

Union of India
through General Manager,
East Central Railway, Hajipur

..... **Respondent.**

Date of Incident	: 09.05.2019
Date of Filing	: 26.09.2022
Date of argument	: 15.07.2025
Date of decision	: 18.07.2025

Learned Counsel for the Applicant - Shri Sanjay Kumar
Learned Counsel for Respondent- Smt P.R. Laxmi

JUDGMENT

Deepak Nath Tiwari Member Judicial

1.This is an application filed by the applicants (dependents of the deceased)
under section 16 of the Railway Claims Tribunal Act, 1987 against the

Diorm

1/14

[Signature]

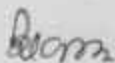
Respondent Railway administration seeking compensation for the death of **Mangal @ Mangal Sahu** (hereinafter referred to as "**the deceased**"), who allegedly died in an untoward incident. The applicants, who have filed this OA are said to be the wife and mother of the deceased.

CASE OF APPLICANTS

2. The applicants have sought compensation related to an untoward incident defined u/s 123(c) (2) of the Railways Act, 1989. According to their pleadings mentioned in the instant OA, the deceased had purchased a reserved sleeper class (M/E) ticket for travel from Bareilly to Koderma and boarded Train No. 13010, Dehradun Express, on 08.05.2019 in Coach No. S-11, accompanied by his father-in-law Ganesh Sahu @ Ganesh Saw, his brother-in-law Dhiraj Sahu @ Dhiraj Saw, and his wife Puja Kumari. It is alleged that on 09.05.2019, while the train was in motion between Paharpur and Gurwa stations (at KM No. 431/23-431/25), the deceased went to use the toilet and accidentally fell from the moving train due to a sudden jerk, sustained fatal injuries and died on the spot

2.1 The applicants have sought a compensation amount to the tune of Rs. 8,00,000/- along with interest.

2.2 The applicant Puja Kumari has filed her evidence on affidavit. She appeared before this Tribunal for cross examination. She was cross examined and discharged. She has provided the following documents i.e. Inquest report, Dead body challan, Application, FIR, Post-mortem, Final report, photocopy of





Aadhaar card and dependency certificate which have been marked as exhibit A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8 .

CASE OF RESPONDENT

3. Notice regarding the claim application was issued against the respondent. Learned counsel for respondent responded by submitting a written statement along with (a) DRM's report, (b) Statement of Track Man (c) Statement of TTI/DDU (d) Statement of Station Superintendent (e) Statement of co-passengers (f) TSR (g) Ticket verification (h) Form No. 1 & 2 (i) Conclusion of investigation report.

4 The respondent contends that the deceased was not a bonafide passenger to travel in sleeper class Coach No. S-11 in the train, and alleges that the applicants **fabricated story of travelling with three co-passengers**. The verification of ticket shows that the ticket of deceased and other co-passengers were of wait list and it was not confirmed, therefore the deceased and co-passenger were not entitled to travel in sleeper coach. The so-called co-passengers did not produce their respective reserved ticket to show that they had travelled in coach number S- 11. The injuries recorded in the post-mortem report unerringly suggest that the deceased was run over by a train. Based on these established facts, the incident does not qualify as a case of falling from a train, and therefore does not fall within the scope of an "untoward incident" as defined under Section 123(c)(2) of the Railways Act.



ISSUES



6. On 22.09.2023, the following issues were framed in terms of Rule 21 of Railway Claims Tribunal (Procedure) Rules 1989;

1. क्या मृतक प्रश्नगत रेलगाड़ी का सद्भावी यात्री था?
2. क्या मृतक की मृत्यु से सम्बन्धित घटना रेल अधिनियम 1989 की धारा 123 (C) (2) सपठित धारा - 124 ए के अन्तर्गत परिभाषित अनपेक्षित घटना की परिधि में आती है।
3. मृतक के आश्रित कौन-कौन हैं?
4. आश्रितगण किस उपषम को प्राप्त करने के अधिकारी हैं?

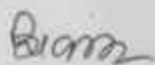
FINDINGS

7. Let us quote the provision of section 123(c) (2) of the Railways Act, 1989 which reads as "Untoward incident" means

"The accidental falling of any passenger from a train carrying passenger."

From the above provision, it is clear that three ingredients are necessary to prove "Untoward Incident" i.e., (1) Injured/deceased must be a passenger in terms of section 2 (29) Railways Act (2) There must be accidental falling from train (3) Train from which, such accidental falling occurred, must be passenger carrying train.

8. Issue No.1 Whether the deceased was a bona fide passenger ? and Issue no.2 Whether the deceased died in an untoward incident? are being taken together?

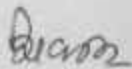


The *Panchayatnama* revealed that a rail journey ticket bearing PNR No. 2523961531 was recovered from the possession of the deceased; however, this ticket has not been submitted as evidence in the present case.

Upon verification, it was found that the said ticket was a waitlisted ticket purchased from the ticket counter and was not confirmed. Therefore, the deceased was only entitled to travel in the general second-class compartment. His travel in the sleeper class, thus, cannot be considered proper or authorized.

With regard to the allegation that the deceased fell from the train, all relevant facts and circumstances were examined, and the following observations emerged:

- A report was sought from the railway authorities to verify **whether the wife of the deceased (AW-1, Puja Kumari) had a reserved ticket for coach S-11 of Train No. 13010, Dehradun Express, for the relevant date.** The report clearly states that **no reservation ticket was issued in her name.**
- During the inquiry, the father-in-law of the deceased claimed, "मैं अपना एवं दामाद मृतक मंगल साहु का रिजर्वेशन टिकट गाड़ी पकड़ने के दिन ही रेल काउंटर से लिया था स्टेशन के नाम याद नहीं है। हमलोग सभी अपना यात्रा बरेली स्टेशन से शुरू किया।" However, the PNR number allegedly recovered from the deceased indicates that **the ticket was not confirmed.**



These discrepancies further cast doubt on the veracity of the claim that the deceased was travelling with wife and other three co-passengers in a reserved coach S-11

TSR of the train No. 13010, Dehradun Express at the alleged place of incident on 09/05/2019 shows that the said train passed there at 4.19 Hours and it reached at Kodarma (the destination station of the deceased) 5:10 AM, whereas the dead body was noticed by track-man Paharpur named Naresh Prasad at 10 AM and he informed the Station Master thereafter memo was issued.

This important fact **strengthens the allegation of respondent counsel who alleged that the applicants have filed this case fabricating concocted story.**

Let us see the statements of the so-called co-passengers of the deceased stated during inquiry.

Puja Kumari has stated during inquiry that मृतक के पत्नी पुजा देवी का बयान: जाँच के क्रम में मृतक के पत्नी पुजा देवी ने बताया कि दिनांक-08.05.2019 को मैं पुजा देवी, पति-स्व० मंगल साहु, भाई धीरज साहु एवं पिता-गणेश साहु के साथ गाड़ी सं०-13010 डाउन टून एक्स० के एस-11 में अपने मायके जाने के लिए बरेली स्टेशन से कोडरमा स्टेशन के लिए सवार हुई थी। मेरे पति स्व० मंगल साहु, पिता-श्री गणेश साहु एवं भाई धीरज कुमार का काउंटर टिकट था जो वेटिंग लिस्ट में था। मेरा ऑनलाईन कनफर्म टिकट था। सिट नं० याद नहीं है। मेरा ऑनलाईन टिकट मोबाईल में था जो मोबाईल खराब होने के चलते डिलिट हो गया। गाड़ी में कोई भिड़-भाड़ नहीं थी एवं हम सभी परिवार को बर्थ मिल गयी थीं। गाड़ी जब गया पहुँची तो समय करीब 03.00 बजे रहा था। गाड़ी जब कोडरमा स्टेशन पहुँची एवं हमलोग कोडरमा

Prasad

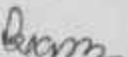
6/14

[Signature]

स्टेशन उतरने के लिए समान निकालने लगे तो मेरे पति मंगल साहु दिखाई नहीं दिये। हमलोग सभी परिवार मिलकर उनके ढुंढने लगे एवं लैटीन बाथ रूम देखे लेकिन वे हमें कहीं नहीं मिले। मैं कोडरमा स्टेशन पहुँचने के उपरांत रेल पुलिस को रिपोर्ट किये उसके उपरांत मैं अपने मयके समय 08.00 बजे चली गयी।

The other co-passenger (father-in-law of the deceased) has stated during inquiry that मैं अपना एवं दमाद मृतक मंगल साहु का रिजर्वेशन टिकट गाड़ी पकड़ने के दिन ही रेल काउंटर से लिया था स्टेशन के नाम याद नहीं है। हमलोग सभी अपना यात्रा बरेली स्टेशन से शुरू किया। गाड़ी जब गया स्टेशन से खुली तो हमलोग सभी परिवार कोडरमा स्टेशन पर उतरने के लिए अपना-अपना समान लेकर गाड़ी से तैयार हो रहे थे। गाड़ी में बिलकुल भिड़-भाड़ नहीं थी केवल कोडरमा उतरनेवाले लोग गेट पर अपना समान रख रहे थे। उसी दौरान यात्री के द्वारा हल्ला किया गया कि एक व्यक्ति ट्रेन से गिर गया तो मैं अपने सभी परिवार को देखा लेकिन मेरे दमाद दिखाई नहीं दिये तो मैं उनको खोजने लगा लेकिन वे नहीं मिल पाये। जब गाड़ी कोडरमा स्टेशन पर पहुँची तो मैंने रेल पुलिस को इसकी रिपोर्ट किया तो उनके द्वारा पता कर बताया गया की आप रेल थाना गया चले जाइये वहाँ पर एक शव मिला है। मैं अपने पुत्री पुजा देवी को अपने घर हजारी धमना पहुंचाकर मैं अपने परिवार के अन्य सदस्य के साथ सड़क मार्ग से समय करीब 10.00 बजे गया पहुँचा तो देखा कि ठेला पर एक शव पड़ा हुआ था। मैंने उस शव की पहचान की तो वह मेरा दमाद मंगल साहु थे।

It is important to note that according to AW-1 (Puja Kumari, wife of the deceased), when the train reached Koderma station and the family began taking out their luggage to disembark, her husband, Mangal Sahu, was found missing. The entire family searched for him, including checking the latrine and bathroom areas, but he was nowhere to be found. Upon arrival at Koderma station, she

 7/14



reported the matter to the Railway Police and subsequently left for her parental home at around 8:00 AM.

In contrast, the father-in-law of the deceased stated that only the passengers scheduled to disembark at Koderma were placing their luggage near the train's exit. At that moment, a passenger raised an alarm that someone had fallen from the train. He immediately checked on his family members and realized his son-in-law was missing. Despite searching, he could not locate him. Upon arrival at Koderma station, he reported the incident to the Railway Police, who, after making inquiries, advised him to proceed to the Gaya Railway Police Station, as a dead body had been found there. After dropping his daughter, Puja Devi, at their home in Hazaridhamna, he, along with other family members, travelled by road and reached Gaya around 10:00 AM. There, he saw a dead body lying on a cart, which he identified as his son-in-law, Mangal Sahu.

There are significant contradictions and inconsistencies between the statements of the deceased's wife and his father-in-law, indicating that their versions appear to be fabricated or at least not fully reliable.

It is also pertinent to highlight that, according to the father-in-law, he was informed about the dead body at Gaya immediately upon reporting to police at Koderma station where the said train arrived at 5:10 AM thereafter he went Rail Thana Gaya and identified the body there at 10:00 AM. However, official records from Paharpur reveal that the deceased was first discovered by a trackman near KM No. 431/23-431/25, between Paharpur and Gurpa stations, at around 10:00 AM. This further casts doubt on the credibility of their narrative.

Daan

8/14

[Signature]

8. At this stage, it is imperative to emphasize that it is the solemn duty of this Tribunal to ascertain the truth based on the materials available on record, in order to serve the ends of justice

An important document on record, filed by the applicant, is the post-mortem report, which holds significant relevance in determining the actual cause of death and assessing whether the injuries sustained by the deceased are consistent with a fall from a running train?

The post-mortem report documented the following ante-mortem injuries observed during the autopsy of the deceased.

Lacerated wound (1) RUN OVER CRUSH INJURY of head and face with a lacerated wound on head 6 inches X 4 inches X cranial cavity Bones fractured into pieces. (2) Right arm (3 X 2 inches X across the wound) with traumatic amputation (3) left wrist (2 ½ X 1 ½ inches X across the wound) with traumatic amputations all underlying tissues are crushed and bones are fractured in pieces. (4) Chest (18 X 10 cm X across the wound) All the underlying tissues including lungs, heart spleen are contused and lacerated. All ribs fractured (RUN OVER crushed injury of abdomen lower (15 X 7 inches X across the wound) Pelvis bone and thigh bone fractured.

Opinion : Ante-mortem injuries caused by hard blunt forces/substances/surfaces.

Baran

[Signature]

The injuries found during autopsy coupled with other facts and circumstances of the case are being analysed in the light of following scientific reason and ratio of case laws;

Scientific theory: Speed of any passenger inside train remains same as the speed of the train.

After falling from train, gravitation force pulls the passenger toward earth and friction of air starts retarding the speed of body of passenger. Further, a person falling of a bogie of running train from the exit would have a trajectory which would drop him, if not a feet or two away from the train, at least 6 to 8 inches from the train and the forward motion would throw the person forward and not laterally. *Injuries would have been only of abrasions, contusions and laceration etc. due to friction between body and earth/stones etc due to speed of body.*

In a case Smt. Sumitra Mishra And Ors. Vs Union Of India the RCT had observed, on the basis of dimension of the bogie and track, about the injuries which will be possible due to falling from running train in between two railway stations.

"Another aspect which throw some light on the factum of death of the deceased is the Post Mortem report which recorded two crush injuries on the body of the deceased.

Dugm

10/14

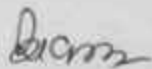


The learned Tribunal has stated that **crush injuries can only happen if the body comes under the wheels of a running train.** However, if the passenger falls from a running train, it is not possible that his body would be crushed by the wheels of the train. The learned Tribunal has given reasons therefore stating that distance between two rails of the broad gauge railway track is 5ft 6 inches. The width of railway coach, in case of a broad gauge train, is 10 ft 6 inches. The width of a coach is 5 ft more than the distance between two rails and as such, the doors of the coach will be 2 ft. 6 inches from the rail of both sides.

The above observation of RCT in a case Smt. Sumitra Mishra And Ors. Vs Union Of India, has been affirmed in a case reported in AICC 2017(1) 361Alld. by Hon'ble High Court of Judicature Allahabad.

Therefore, there **shall be no possibility** of crushed injuries in the case of falling from running train **between two railway stations.**

In a case Tara Chand Mathur Vs Union of India through General Manager Northern Railway, the Division Bench comprising Hon'ble Mr. Justice V.C. Gupta and Hon'ble Mr. Justice D. P. Singh of Hon'ble High Court of Judicature at Allahabad, Lucknow Bench Lucknow have been pleased to



hold that "A perusal of the post mortem report reveals that the body of the deceased was cut into two pieces. In case a person fell down from the train ordinarily, the body does not cut into two pieces. Of course, submission of the appellant's counsel would have carried weight in case the body of the deceased would not have been cut into two pieces and injuries would have been only of abrasions, contusions and laceration etc."

As per medical jurisprudence: Crush Injury happens when part of the body is squeezed between two heavy objects.

9. On being analyzed the facts and circumstances of the case in the light of above mentioned scientific reasons and ratio of case law, We found the following facts ;

- (i) Several Crushed injuries found on different part of the body strictly rule out the case of falling from train as due to falling from train as the whole body will not come on the tracks latterly under fast moving wheels and thus the crush injury mentioned in this case is not possible due to falling from train. Scientifically a person falling of a bogie of running train from the exit would have a trajectory which would drop him, if not a feet or two away from the train, at least 6 to 8 inches from the train and the forward motion would throw the person forward and not laterally. Therefore, it is improbable for the body to come directly in between the tracks if the incident involved falling from

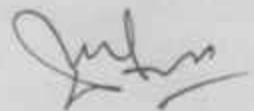
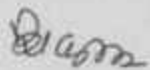


12/14



the train. Since at the time of falling from train two types of force would act at the time of falling (1) Perpendicular to train towards exit gate and (2) in the direction of train movement Therefore resultant force will propel the body in between both direction, which will cause the body to drop far from rail tracks due to gravitational force. Therefore, whole body would not come on track. Thus we are of the considered view that it is not a case of falling from train.

- (ii) The medical expert 's opinion during autopsy does not say that the deceased died due to falling from train rather it has been opined that the deceased died due to ante-mortem injuries **caused by hard blunt forces (railway).**
- (iii) The statement made by the deceased's wife AW-1 has been found to be untrue, and the claim that she was travelling with the deceased and others in coach S-11 on a reservation ticket is incorrect.
- (iv) It is found that the deceased and the other two co-passengers were travelling on a waitlisted ticket; however, taking into account the timing of the discovery of the dead body, along with significant discrepancies in the statement of the deceased's father-in-law-co-passenger regarding his knowledge of the incident and the identification of dead body at Rail Thana Gaya at 10 AM (as discussed above), and the falsity observed in the testimony of AW-1 (the deceased's wife), the possibility that the deceased was walking on the

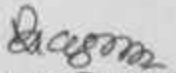


tracks after completing his journey at 5:10 AM and was subsequently run over cannot be ruled out.

10. For the reasons stated above, we are of the considered view that the death of the deceased does not fall within the scope of an 'untoward incident' as defined under Section 123(c)(2) of the Railways Act. This is because the deceased was neither established to be a bona fide passenger of the train, nor was it proved to be a case of accidental fall from a train. Therefore, issue no. 1 and 2 are decided against the applicants.

11. For the reasons mentioned above there is no need to decide issue no. 3 and 4.

12. The OA stands **dismissed**. No order as to cost.


Shiv Kumar Prasad
Member (Technical)
RCT/ Patna
18.07.2025


Deepak Nath Tiwari
Member (Judicial)
RCT/ Gorakhpur
At RCT/ Patna
18.07.2025