

- (a) himself make an inquiry into the causes which led to the accident, or
- (b) depute a Subordinate Magistrate, who, if possible should be a Magistrate of the First Class, to make such an inquiry, or
- (c) direct police to investigation into the causes.

Provided that where, having regard to the nature of the accident, the Central Government has appointed a Commission of Inquiry to inquire into it under the Commissions of inquiry Act, 1952 (60 of 1952) or has appointed any other authority to inquire into it and for that purpose has made all or any of the provisions of the said Act applicable to that authority, a Magistrate or a Police Officer shall not make his inquiry or investigation under this rule and if he has already commenced his inquiry or investigation, shall not proceed further with it. Such Magistrate or Police officer shall hand over the evidence, records or other documents in his possession relating to the inquiry or investigation to such authority as may be specified by the Central Government in this behalf.

934.1 Notice of Magisterial Inquiry:

Whenever it is decided to make an inquiry under clause (a) or clause (b) of rule 934 the District Magistrate or other Magistrate appointed as aforesaid or the Magistrate deputed under clause (b) of rule , as the case may be, shall at once inform the Commissioner of Railway Safety, the Head of the Railway Administration concerned and the Divisional Railway Manager of the date and hour at which the inquiry will commence so as to enable the Railway Administration to summon the requisite expert advise. After sending such information, he shall proceed to the scene of the accident and conduct the inquiry there.

935 Judicial Inquiry:

A Magistrate, making an inquiry under rule No.934 may summon any railway servant, and any other person whose presence he may think necessary and, after taking the evidence and completing the inquiry, shall, if he considers that there are sufficient grounds for holding a judicial inquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate shall call for the opinion of the Commissioner of Railway Safety or other professional persons.

936 The result of Magisterial inquiry to be communicated to the Head of the Railway Administration and CRS:

The result of every inquiry or investigation made under rule shall be communicated by the Magistrate who has held such inquiry or investigation, to the Head of the Railway Administration concerned and to the Commissioner of Railway Safety.

937 Procedure for summoning the Commissioner of Railway safety and Railway servants to assist the Magistrate holding Judicial Inquiry:

- a) If, in the course of any Judicial Inquiry into an accident occurring in the course of working a railway, the Magistrate holding such inquiry desires the assistance of the Commissioner of Railway Safety or of the Head of the Railway Administration concerned or the attendance of any Officer of the railway to explain any matter relating to railway working, he shall issue a requisition to the Commissioner of Railway Safety or the Head of the Railway Administration concerned, as the case may be, for the attendance in the court, (**stating the nature of the assistance required**). In summoning railway employees, the Magistrate shall take care not to summon on the same day so large a number of the employees, especially of one class, as to cause inconvenience to the working of railway. In the case of very serious accidents, it will generally be advisable for the Magistrate to obtain reports from both the Commissioner of Railway Safety and the Head of the Railway Administration concerned in regard to the accident, before finally concluding the Judicial Inquiry.