

P.C. Chaudhri Vs. Emperor

LegalCrystal Citation : legalcrystal.com/448618

Court : Allahabad

Decided On : Sep-02-1929

Reported in : AIR1930All34

Appellant : P.C. Chaudhri

Respondent : Emperor

Judgement :

Sen, J.

1. This is a reference by Mr. Kisch, the learned Sessions Judge of Allahabad with the recommendation that the order passed by a Magistrate, First Class of Allahabad convicting one Mr. P.C. Chaudhri under Section 16, Motor Vehicles Act, 1914, be set aside.

2. The learned Sessions Judge has given excellent reasons in support of his reference. The conviction is clearly illegal and must be set aside.

3. Mr. P.C. Chaudhri, resident of No. 4 Bankshall Street, Calcutta, came to Allahabad on a short visit. He brought with him his motor car bearing No. 23,047. On 14th April 1929, a constable on traffic duty demanded the production of the registration certificate. The Line Inspector who acts under the orders of the Superintendent of Police also made a similar demand. The certificate of registration was not produced. The result was that he was prosecuted for having contravened the provisions of Rule 11 of the United Provinces Motor Vehicles rules and fined Rs. 5.

4. Rule 11 of the United Provinces Motor Vehicles rules provides as follows:

Form of certificates and card; their production on demand. Certificates of registration and registration cards shall be in the forms provided in Schs. B and C, and shall be signed 'by the registering authority or by a person duly authorized by him in this behalf, and the owner of the vehicle in respect of which a certificate of registration has been issued shall be bound to produce the certificate when required so to do by the registering authority.

5. The 'registering authority' referred to has been defined in the rules as meaning the Superintendent of Police, or an Assistant or Deputy Superintendent or Inspector of Police authorized by the Superintendent of Police to perform the duties of the registering authority' under these rules. It is to be observed that there is nothing in the rules in force in the Presidency of Bengal corresponding to Rule 11 of the United Provinces rules. The case lies within a very narrow compass. Do the United Provinces rules apply to a car registered in Calcutta and which has been brought to the United

Provinces for a short duration? The learned Sessions Judge observes as follows:

There is nothing in the wording of these rules to show that Rule 11 applies to cars registered outside the United Provinces. It is clear from the definition of 'registering authority' in Rule 3 that this expression, as used in Section 11, means the authority who had registered the car under the rules in force in the United Provinces and as the applicant's car was not registered in the United Provinces, in my view, Rule 11 has no application to his case.

6. I am in complete agreement with this view. I therefore accept the reference upon the ground set out in the referring order of the learned Sessions Judge dated 10th August 1929, set aside the conviction and sentence under Section 16, Motor Vehicles Act coupled with Rule 11, of the United Provinces Motor Vehicles rules and direct that the fine, if paid be refunded.

LegalCrystal - Indian Law Search Engine - www.legalcrystal.com