

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2015

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THE HONOURABLE MR.JUSTICE S.MANIKUMAR

CRL.RC.No.1043 of 2014

P.Santhosh Reddy

... Petitioner/Petitioner/Accused

VS.

State rep. By
Inspector of Police,
G-3, Kilpauk Police station,
Chennai (Crime No.920 of 2014) ... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to call for the records and set aside the order passed in Crl.MP.No.1974 of 2014 in cr.No.920 of 2014, dated 16.09.2014 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : No appearance
For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

JUDGMENT

No representation for the petitioner on 07.01.2015. Vide order dated 27.10.2014, this Court directed return of vehicle in question to the petitioner for a period of two weeks from 29.10.2014, subject to the condition that the petitioner shall not alter the vehicle in any manner, and it was also made clear that the petitioner would seek for registration of vehicle with the competent authorities. There is a further direction to pay a sum of Rs.10,000/- to the Hon'ble Chief Justice Relief Fund.

2.On instructions, Mr.P.Govindarajan, learned Additional Public Prosecutor for the respondent submitted that a sum of Rs.10,000/- has been paid, as directed. However, the vehicle returned has not been registered sofar, with the competent authorities. Learned Additional Public Prosecutor for the respondent is not in a position to state as to whether the same registration number is still being used, while

operating the vehicle. He seeks for a direction to the police to seize the vehicle. When the subject vehicle is used without any due registration, attention of this Court is invited to Section 130 of the Motor Vehicles Act, 1988.

3. Section 130 of the Motor Vehicles Act, 1988, states as follows:

"130. Duty to produce licence and certificate of registration. - (1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination.

Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in respect thereof and thereafter produce the licence within such period, in such manner as the Central Government may prescribe to the police officer making the demand.

77[(2) The conductor, if any, of a motor vehicle on any public place shall, on demand by any officer of the Motor Vehicles Department authorised in this behalf, produce the licence for examination.]

78[(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any other officer of the Motor Vehicles Department duly authorised in this behalf, produce the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to in section 56 and the permit; and if any or all of the certificates or the permit are not in his possession, he shall, within fifteen days from the date of demand, submit photo copies of the same, duly attested in person or send the same by registered post to the officer who demanded it.

Explanation. - For the purposes of this sub-section, "certificate of insurance" means the certificate issued under sub-section (3) of section 147.]

(4) If the licence referred to in sub-section (2) or the certificates or permit referred to in sub-section (3), as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the licence or certificates or permit within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand :

Provided that, except to such extent and with such modifications as may be prescribed, the provisions this

sub-section shall not apply to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.

Corresponding Law. - Section 130 corresponds to section 86 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 130 requires the driver of a motor vehicle to produce on demand by a Police Officer, the driving licence, registration certificate, fitness certificate in the case of transport vehicle.

77. Sub-S. (2) substituted by Act 54 of 1994, S.39 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under :-

"(2) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination"

78. Sub-S.(3) substituted, ibid (w.e.f. 14-11-1994). Prior to its substitution, sub-S.(3) read as under:-

"(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall on demand by a registering authority or any person authorised in this behalf by the State Government, produce the certificate or registration and the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to I section 56 and the permit.

Explanation. - for the purposes of this sub-section, "certificate of insurance" means the certificate issued under sub-section(3) of section 147".

4.It is the case of the respondent police that the petitioner is using the same registration number of the motor cycle. Though the portion of the order dated 27.10.2014, i.e., payment of Rs.10,000/- to the Hon'ble Chief Justice Relief Fund has been complied with, it is stated that registration as directed by this Court vide order dated 27.10.2014 has not been done.

Cr1.RC.No.1043 of 2014 is dismissed for default. Liberty is given to the respondent police to take appropriate action as per provisions of the Motor Vehicles Act, 1988.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai.

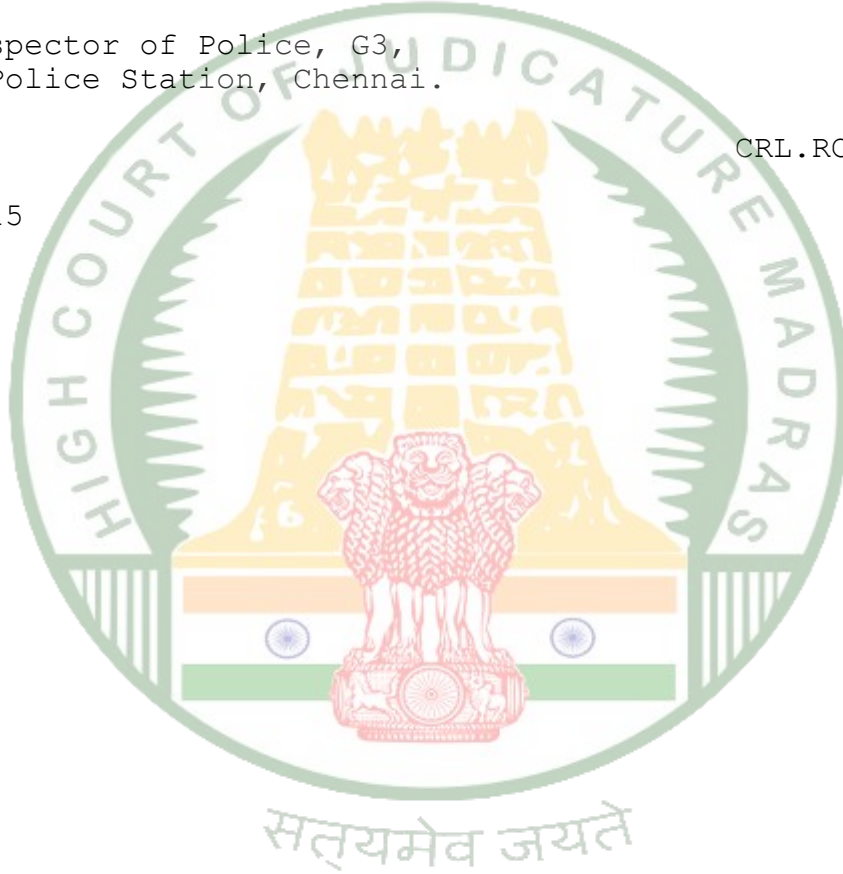
2. -do- Through The Chief Metropolitan,
Magistrate, Egmore, Chennai.

3.The Public Prosecutor,
High Court of Madras
Chennai.

4. The Inspector of Police, G3,
Kilpauk, Police Station, Chennai.

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GJ(CO)
Eu 04.02.15



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