

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1486 of 2017

Pritesh Chopda S/o Pramod Chopda Aged About 25 Years R/o
Shantipara, Sambalpur, Thana Bhanupratappur, District North
Bastar, Kanker, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Taroki, District North
Bastar, Kanker, Chhattisgarh.

---- Respondents

For petitioner- Shri Kunal Das, Advocate.
For State/respondent – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/10/2017

Heard.

1. Instant petition is against framing of charge under Section 66 read with section 192 (A) of the Motor Vehicles Act, 1988.
2. Learned counsel for the petitioner submits that the petitioner is the owner of the offending vehicle which was given on rent and on the date of incident passengers forcefully entered into the vehicle which would be evident from the statement of persons who boarded the vehicle, thereby offence is not made out.
3. Section 66 sub-section-1 of the Motor vehicles Act, 1988 says that no owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorising him the use of the vehicle in that place in the manner in which the vehicle is being used.
4. Therefore, moot question in this case is whether the petitioner was

holding a permit or not. By reading in between statement of the witnesses presumption cannot be drawn that the petitioner was having permit. It is for him to prove the same before the court. This court in exercise of power under Section 482 Cr.P.C. cannot go into such fact finding and draw a presumption for a fact which can be actually proved by evidence.

5. Accordingly, the petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE