

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9222 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in S.T.C. No.8 of 2011, pending on the file of the Court of Judicial First Class Magistrate, Alamuru, East Godavari District (for short, 'the trial Court'), registered for the offences punishable under Sections 194 and 199 R/w.113 of the Motor Vehicles Act, 1988 (for short, 'the Act').

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, appearing for the respondent – State.

3. Learned counsel for the petitioner submits that the petitioner is no way concerned with loading of the sand and that he is only the lessee of the reach, from where the sand was loaded. Learned counsel further submits that the driver and owner of the vehicle got compounded the offences.

4. The offences alleged against the petitioner are under Sections 194 and 199 R/w.113 of the Motor Vehicles Act, 1988.

5. Section 194 of the Act prescribes punishment for driving vehicle exceeding permissible weight, which is not applicable to the petitioner and Section 199 of the Act prescribes that where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company affairs would be responsible. But, there is no substantive offence alleged against the petitioner. Hence, by invoking Section 199 of the Act, the petitioner cannot be prosecuted. Moreover, the petitioner is not

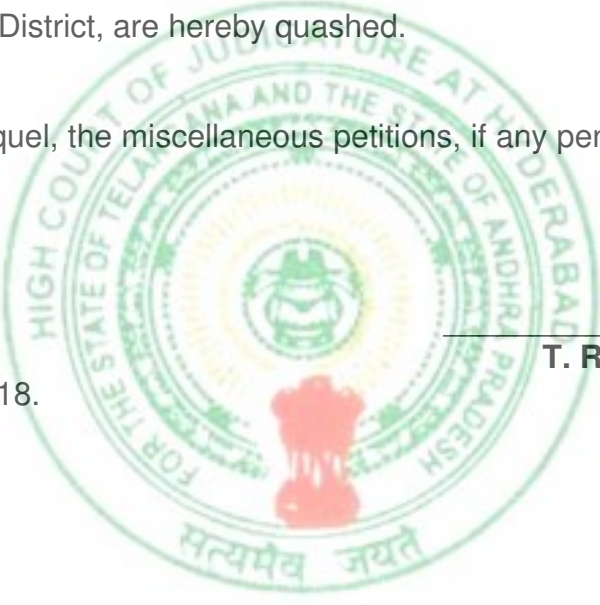
responsible for overloading of the vehicle, since he is only the owner of the reach, from where the sand was loaded. Section 113 of the Act is also not applicable to the Petitioner.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.

7. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/Accused in S.T.C. No.8 of 2011, pending on the file of the Court of Judicial First Class Magistrate, Alamuru, East Godavari District, are hereby quashed.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 02.11.2018.
Dsh



T. RAJANI, J

SMT JUSTICE T.RAJANI**33****17112018****CRIMINAL PETITION No.9222 OF 2011**

Date. 02.11.2018

DSH