



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO. 104 OF 2024

Dharmendra Yugalkishor Jha

...Applicant

vs.

The State of Maharashtra

...Respondent

Priyanka H. Chavan	Advocate for the Applicant
Mr. A. S. Gawai	APP for the Respondent-State
S. P. Kasbekar	Vadgaon Mawal Police Station, Pune

CORAM : S. M. MODAK, J.

DATE : 04th SEPTEMBER 2024

P. C. :-

1. Heard learned APP Shri Gawai for Respondent-State/
2. The allegation is present Applicant-accused No. 2 allowed accused no. 1 to drive Bolero Maxi truck on the date of the accident. The allegation is this Applicant allowed accused no. 1 to drive vehicle, even though he was not possessing valid driving license. Copy of the driving license of the accused no. 1 is in the charge-sheet. I have perused it. It denotes following facts:-
 - a) He was holding permanent license of light motor vehicle not transport vehicle.

- b) According to the learned APP on the basis of this he cannot drive transport vehicle.
- c) He was holding light motor vehicle license to drive the transport vehicle, but it was learner license.

3. Learned APP invited my attention to the following documents :-

- (a) FIR filed by eye witness Laxman Ganu Yeram, dated 27.11.2021 at page no. 78.
- (b) Statement of another eye witness injured Shobha, at page no. 92.
- (c) Spot panchnama on page no. 91.
- (d) Statement of employee of Takon Courier, at page no. 164. Two accused runs that Company. After the accident, these witnesses learnt that the present Applicant allowed accused no. 1 to drive vehicle at the time of the accident.
- (e) Similar is the statement on page no. 166.
- (f) Lastly impugned order and observations in para no. 5, at page no. 26.

4. Whereas according to learned Advocate Ms. Chavan for the Applicant the observations in the judgment of the **Mukund Dewangan**

*Vs. Oriental Insurance Company Limited*¹ has clarified light motor vehicle prescribed in Section 2 (21) of the Motor Vehicles Act means the vehicle weight or unladen weight of which does not exceed 7500 kgs. The Hon'ble Supreme Court further clarified there is no necessity of endorsement on license to run light motor vehicle or transport, if he drives transport vehicle. There is also Circular issued by Government of India dated 16.04.2018, at page no. 505. She also relied upon the judgment in case of *Sekaran Vs. State of Tamil Nadu*², and specifically para no. 23, on the point the conduct of the accused to run away from the spot cannot be factor to be considered against the Applicant.

5. Interim relief granted earlier to continue till next date.
6. For passing Order, matter be kept on **11.09.2024**.

[S. M. MODAK, J.]

1 (2017) 14 SCC 663

2 2023 SCC Online SC 1653