

The State of Maharashtra and anr. Vs. Mahadeo Shivram Salunkhe

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SooperKanoon Citation : sooperkanoon.com/369277

Court : Mumbai

Decided On : Nov-25-1998

Reported in : (1999)101BOMLR509

Judge : T.K. Chandrashekhara Das, J.

Appeal No. : Criminal Revision Application No. 115 of 1992

Appellant : The State of Maharashtra and anr.

Respondent : Mahadeo Shivram Salunkhe

Judgement :

T.K. Chandrashekhara, J.

1. This Revision Application filed by the Public Prosecutor on behalf of State of Maharashtra challenging the order passed by the Sessions Court, Ratnagiri on 21.2.1992 quashing the proceedings of the J.M.F.C. Ratnagiri in A.R.T.O. Case No. 462/Ratnagiri/91. The allegation made in the complaint by the Regional Transport Officer is that the Vehicle No. MTJ/6729 belonging to the Maharashtra Transport Corporation was driven by the respondent at the relevant time or transporting certain goods belonging to the Corporation. At the time of plying that vehicle, it is alleged that it does not possess, the fitness certificate as envisaged under Section 56 of the Motor Vehicle Act. On receipt of the complaint, learned Magistrate issued process against respondent. Respondent then filed Revision

before the Sessions Court, Ratnagiri and by the order impugned in this case, quashed the proceedings saying that the goods transported in the jeep belonging to the Transport Corporation and the jeep was driven not in his personal capacity. I cannot appreciate the rationale of the Sessions Court. Admittedly the said jeep was not having fitness certificate at the time of occurrence. By virtue of Section 39, if the vehicle is not having required permission or registration under the law, the driver is also liable for prosecution under Section 56 of the Act. In view of this, reasoning stated to by the Sessions Court for quashing the proceedings cannot be accepted.

2. In the result, I accept the contention of the Revision Petitioner State and set aside the order of the Revision Court passed on 21.3.1992 against the respondent. The learned Magistrate is directed to proceed with the trial of the case and dispose of the matter within three months from the date of receipt of this order.

3. In the result, rule is made absolute in the above terms.