

Muhammad Said Vs. Emperor

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Court : Allahabad

Decided On : May-31-1918

Reported in : 46Ind.Cas.1004

Judge : P.C. Banerjee, J.

Appellant : Muhammad Said

Respondent : Emperor

Judgement :

P.C. Banerjee, J.

1. The applicant Muhammad Said has been convicted under Section 16 of Act No. VIII of 1914, Indian Motor vehicles Act of 1914. The charge against Him was that he had violated Rule 12 of the rules framed by the Local Government under Section 11 of the Act. The case for the prosecution, as stated by the learned Magistrate who tried the case was that there were no 'head lights' on the oar. The Magistrate was of opinion that Rule 2 (Clause 1) of the rules framed by the Local Government refers to 'head lights' only, and that as the 'head lights' in the case of the car of the accused were not lighted, he was guilty of a breach of Rule 12 (Clause 1). Rule 12 provides that no person shall drive a motor vehicle during the period commencing half an hour after sunset and ending half an hour before sunrise unless such vehicle is provided with lights as follows:

(1) in the case of vehicles other than motor cycles;

(a) one lamp showing a white light in front affixed on each side of the front portion of the vehicle;

(b) one lamp showing a red light at the rear and showing a white light at the side affixed at the back of the vehicle in such manner as to illuminate with the white light and render easily distinguishable the signs and numbers on the plates.

2. There is no mention of head-lights in this rule and all that the rule requires is that there must be affixed on each side of the front portion of the* vehicle a lamp showing a white light in front. The words 'front portion' in Clause (a) must be read as contradistinguished from the rear and the back of the vehicle mentioned in Clause (6). The 'front portion' does not, in my opinion, mean, as the learned Magistrate seems to think, the extreme end of the bonnet or the extreme end of the front portion, The front portion is the portion which is outside the seats and the steering wheel. There must be one lamp showing a white light in front affixed on each side of the front portion of the vehicle. If this is done, the rule in my opinion is completely complied with. The rule does not require the fixing of more than three lamps to each car, namely, two in front one on each side of the front portion and one at the rear. It would be stretching language to say that lamps fixed beyond the bonnet would be lamps affixed on each side of the front portion of the vehicle. The view taken by the learned Magistrate is in my opinion erroneous. The accused admittedly had two lamps affixed on each side of the front portion of his car showing a white light in front. Therefore he complied with the rule and did not commit a breach of it. I allow the application, set aside the conviction and sentence and direct that the fine, if paid, be refunded.