

Mansa Singh Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/479929

Court : Allahabad

Decided On : Jun-05-1929

Reported in : AIR1929All750

Appellant : Mansa Singh

Respondent : Emperor

Judgement :

Young, J.

1. In this case the only question for the decision of this Court is the proper construction to be put on Rule 32 of the rule framed by the U.P. Government under the Motor Vehicles Act of 1914. The rule runs as follows:

On the occurrence of any accident the driver and the person in charge of any motor vehicle concerned in the accident shall, if any person is injured,; render to such person all such assistance as may be reasonably necessary, and shall, if there be no police officer present, report the accident without delay at the nearest police station.

2. There are two possible constructions of this rule, neither of which would offend against the rules of construction or of grammar. The first is that the words 'if any person is injured' govern the whole of the rest of the clause. The other construction possible is that on the occurrence of any accident, if there is no police officer

present, the driver or person in charge of the motor vehicle shall report the accident without delay at the nearest police station. In my opinion, the first construction is the correct one. I think the words 'if any person is injured' govern the whole of the clause. I agree with the learned Magistrate that the second construction he puts upon the clause is a possible one, but where there are two possible constructions, it is the duty of the Court to use the common sense construction. I think that this rule was made in order to provide for cases where people are injured, and that the other construction would put an impossible burden upon the motoring public, and incidentally have the effect of putting upon the High Court some time or other the duty of defining or limiting the use of the word 'accident,' otherwise, if the second construction is placed upon this rule, any motorist or any person in charge of a motor vehicle would be under the danger of fine if he did not report to the police any one of the hundred various things of no importance which might happen to him, but which might very well be defined as an accident. I accept the reference and set aside the conviction and fine. The fine, if paid, shall be refunded.