

In Re: W.K. Devaraja Mudaliar

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Court : Chennai

Decided On : May-04-1938

Reported in : AIR1938Mad998; (1938)2MLJ582

Appellant : In Re: W.K. Devaraja Mudaliar

Judgement :

ORDER

Horwill, J.

1. The petitioner is the owner of a lorry that was overloaded; and he was convicted under Section 15-A of the Motor Vehicles Act of suffering the lorry to be overloaded.
2. The wording of Section 15-A and the general plan of the Act show that the burden was on the prosecution to show that the accused knew that the lorry was overloaded. Such knowledge could be proved by adducing evidence that, for example, the lorry had just left the owner's premises or that all the goods on the lorry had come from there. All we know in the present case, however, is that the lorry was overloaded. It is stated at the bar that the lorry was actually on its way from Conjeevaram to Madras. If so, it is unlikely that the accused knew that the lorry was overloaded.
3. The prosecution did not therefore prove its case. The petition is accordingly allowed, the conviction set aside and the fine ordered to be refunded.

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