

Rathnam Vs. Emperor

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Court : Chennai

Decided On : Apr-04-1912

Reported in : 15Ind.Cas.487

Judge : Wallis, J.

Appellant : Rathnam

Respondent : Emperor

Judgement :

ORDER

Wallis, J.

1. Under Rule 9, a motorcar must not be driven in a public place recklessly or negligently or in a manner which is likely to endanger life, etc., or which would be otherwise than reasonable and proper, having regard to all the circumstances of the case, including the natural condition and use of the road, and to the amount of the traffic which is actually on the road at the time or which may reasonably be expected on it. Under Rule 12, every motor driver must have a suitable horn and sound it whenever expedient to prevent danger to the public. In this case, the Magistrate has found that on the Adayar road, while it was still light, but cannot have been long before lighting-up time, the petitioner, for the purpose of turning, had to go on to the wrong side of the road, that, before turning, the occupants of oar looked up and down the road without seeing any thing coming, but none-the-

less had to desist at the sound of a motor horn to allow a cyclist coming up from behind to pass, that, when the cyclist had passed, the driver resumed the process of turning, and in spite of what had just happened, still omitted to sound his horn, and that, while his car was on the wrong side of the road, another motor cycle came up and collided with it. These findings of fact, in my opinion, afford ample ground for convicting the petitioner for failing to drive in the careful manner prescribed in Rule 9 set out above, and I see no reason to interfere in revision. A case has been cited about Salisbury plain, but nothing can be less like Salisbury plain than the Adayar road about this time of the evening.

2. The petition is dismissed.

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