

The Court of C.J.M., Jamshedpur

Complaint Case No.-5999/2022

Schedule XLII-

No.(J) 9a (Old (M) 164)

Sl. No.	Date of order of proceeding	Order with the signature of the court	Office action taken with date
1	2	3	4
	22.10.22	Complaint Case No.-5999/2022 Release petition praying for releasing the seized vehicle in favour of the registered owner has been pressed today after supplying the copy thereof to the learned A.P.P. Learned counsel appearing on behalf of the petitioner has submitted that she is the owner of scooty bearing registration no. JH 05BE-2926 which has been seized by Jugsalai police(traffic), Jamshedpur and is lying in open spaced subject to deterioration. It has further been submitted the traffic police has not filed the prosecution against him and whatever wrong was committed, the same has been committed by the driver of the said vehicle. It has further been submitted that the police has wrongly filed the prosecution and she is ready to contest the case on its own merit. It has also been submitted that the vehicle which has been seized has actually not committed any offence and the offence, if any, has been committed was actually by a living person and therefore prayed that the aforesaid vehicle bearing registration no. JH 05BE-2926 be released in her favour. Heard the arguments and perused the entire record, which transpires that consequent upon filing of the prosecution report by Traffic P.S., Jugsalai, the court vide order dated 29.09.2022 took cognizance for the offences punishable u/s	

The Court of C.J.M., Jamshedpur

Complaint Case No.-5999/2022

	contd. 22.10.22	199A, 181 of M.V. Act against Shital Devi and Kapildev Thakur. It is further apparent that section 199A of M.V. Act which has been inserted in the Motor Vehicle Act, 1988 by Act No. 32 of 2019 with effect from 01.09.2019 reads as under : 199A . Offences by juveniles- (1) <i>Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.</i> <i>Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</i> <i>Explanation- For the purposes of this section, the court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.</i> (2) <i>In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees.</i> (3) <i>The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's licence under section 8 or a driving licence and was operating a motor</i>	
--	----------------------------	---	--

The Court of C.J.M., Jamshedpur

Complaint Case No.-5999/2022

	contd. 22.10.22	<i>vehicle which such juvenile was licensed to operate.</i> <i>(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.</i> <i>(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty five years.</i> <i>(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000(56 of 2000).</i> Section 199A(1) of M.V.Act makes it explicitly clear that whether an offence under this Act has been committed by a juvenile, his guardian or the owner of the motorcycle vehicle shall be deemed to be guilty of such offence and accordingly they shall be held liable for any such act of the juvenile, whereas the explanation thereof draw a presumption that in case of use of a vehicle by a juvenile was with the consent of the guardian, that is to say that the liability of the guardian or owner shall be deemed presumed, if a juvenile inform him using the vehicle. The juvenile Kunal Kumar Thakur was found driving the scooty without holding valid driving licence which	
--	----------------------------	--	--

The Court of C.J.M., Jamshedpur

Complaint Case No.-5999/2022

	contd. 22.10.22	within itself is an offence u/s 181 of the M.V. Act and even as a matter of prudence the driving licence can be issued only in favour of a person after attaining the majority. As far as the release of vehicle is concerned, the same is subject matter of the instant case and delinquent juvenile Kunal Kumar Thakur was found driving the said scooty in contravention of section 3 of the M.V. Act, which puts a complete restriction upon any one from driving the motor vehicle without holding driving licence. As far as the contention of learned counsel appearing on behalf of the petitioner to the effect that the petitioner having no concern with the offence alleged against him is not tenable in the eyes of law in the light of the specific mandates provided by section 199A of M.V. Act. Thus, on the basis of aforesaid observation and discussions the said petition for release of vehicle is hereby rejected. (Dictated) (Nishant Kumar) C.J.M., Jamshedpur JO Id: 0577	
--	----------------------------	---	--