

IN THE COURT OF SH. KUNAL SONI:
DIGITAL TRAFFIC COURT, EAST DISTRICT, KARKARDOOMA
COURTS: DELHI

TC 14644/2025
STATE Vs. SANDEEP CHOUHAN
E-challan Details: DL17919240418112616
Vehicle No. DL7SCQ7716

1	CNR Number	:	DLET020272702025
2	Name of the accused, parentage & residential address	:	Sandeep Chouhan S/o Sh. Ishwar Das Chauhan, R/o 306-F, Pkt-II, Mayur Vihar, Phase-1, Delhi-110091.
3	Offence complained of or proved	:	194D Motor Vehicle Act 1988
4	Plea of the accused	:	Pleaded not guilty
5	Final Judgment	:	Conviction
6	Date of Judgment	:	24.09.2025

Date of Institution : 22.08.2025
Arguments advanced : 17.09.2025
Date of Pronouncement Judgment : 24.09.2025

JUDGMENT

1. By way of the present Judgment, this court shall dispose off challan bearing TC No. 14644/2025, Challan No. DL17919240418112616 of vehicle bearing Registration No. DL7SCQ7716 dt. 18.04.2024 against Sandeep Chouhan, U/s 194D of Motor Vehicle Act, 1988 (hereinafter referred to as "M.V.Act").

Brief facts:

2. It is alleged against the accused that the vehicle No. DL7SCQ7716 at 11:26 hours at Mayur Vihar, Ph-1 Metro Station on 18.04.2024 within the jurisdiction of Mayur Vihar Circle, the pillion rider was not wearing helmet, thereby accused was

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driving the vehicle number DL7SCQ7716 in violation of driving vehicle without pillion rider helmet in contravention of U/s 194D of M.V. Act, thereby accused has committed the offence punishable U/s 194D of M.V. Act.

3. It is pertinent to mention here that the cognizance of the offence had already been taken by Virtual Traffic Court and a fine was proposed for the summary disposal of the case under Section 208 of the M.V. Act. The accused exercised the option to contest the present challan on the web portal of virtual traffic court pursuant to which the challan was transferred to this court for adjudication as per law.

Proceedings before the Court:

4. The accused, Sandeep Chouhan entered his first appearance on 26.08.2025 through VC and submitted that he wants to contest further.

5. Substance of accusation u/s 274 BNSS was explained to the accused in his vernacular language on 26.08.2025 to which he plead not guilty and claimed trial for the offence u/s 194D on the ground that the challan was issued to him wrongly.

6. Summons were issued to the TI Mayur Vihar Circle to file the status report on the present challan along with the list of witnesses and list of documents to led for prosecution evidence in this case and also issue notice to the challaning officer ASI Kanwar Singh (3463/D, 28931870), & W/HC Guddi (5275/T). PW-1 SI Kanwar Singh was examined by this court. In his chief examination, PW-1 deposed that:-

“ On 18.04.2024, I was posted at Mayur Vihar Circle, as ASI. On that day I was performing my duty with W/HC Guddi at Mayur Vihar Ph-1 Metro Station at about 11:26 hours. We saw one person was coming on scooty bearing registration no. DL7SCQ7716 and the pillion rider of the said scooty did not wear helmet and we

stopped the said scooty and I issued a challan no. DL17919240418112616 for without helmet which is contravention of section 194D of MV Act. The challan no. DL17919240418112616 along with the status report filed by TI Mayur Vihar Circle which is Ex. P1 . The challan is Ex. P2.”

In his cross-examination, PW-1 deposed that accused wife i.e. pillion rider was not wearing helmet at that time. He also deposed that accused was not standing near his scooty and the lady police officer did not click the photograph of the accused person.

7. PW-2 W/HC Guddi (5275/T), was examined by this court. In his chief examination, PW-2 deposed that:-

“ On 18.04.2024, I was posted at Mayur Vihar Circle, as HC. On that day I was performing my duty with ASI Kanwar Singh at Mayur Vihar Ph-1 Metro Station at about 11:26 hours. We saw one person was coming on scooty bearing registration no. DL7SCQ7716 and the pillion rider of the said scooty did not wear helmet and we stopped the said scooty and ASI Kanwar Singh issued a challan no. DL17919240418112616 for without helmet which is contravention of section 194D of MV Act. The challan no. DL17919240418112616 along with the status report filed by TI Mayur Vihar Circle which is Ex. P1 . The challan is Ex. P2.”

In his cross-examination, PW-2 deposed that she was present at the spot and accused wife i.e. pillion rider was not wearing helmet at that time and it is wrong to suggest that accused was standing near his scooty.

8. TI Mayur Vihar Circle has filed a status report which is Ex. P1 in which it is submitted that the said vehicle was found to be prosecuted through e-challan machine vide challan no. DL17919240418112616 dated 18.04.2024 for driving without helmet by ASI Kanwar Singh near phase-I Metro Station. No further evidence is produced from prosecution side. Thereafter, PE stands closed.

9. On examination U/s 351 BNSS of the accused held on 17.09.2025, all the incriminating evidence was explained to the accused wherein he stated that his wife was not wearing helmet at that time and he was standing near the scooty and before sitting on the scooty the police official issued the challan against him. He does not want to lead defence evidence as he does not have any evidence in his favour as stated in statment of accused u/s 351 BNSS.

10. Ld. APP on behalf of the prosecution argued that there is no dispute about presence of the vehicle belonging to the accused being the offending vehicle at the place of offence and both the prosecution witness corroborated the same version that pillion rider was not wearing the helmet at the time of issuance of challan which is also corroborated by the status report filed by TI Mayur Vihar. Ld. APP also argued that there is no dispute that the accused person has not committed the said offences. On the other hand, accused person argued that his wife was standing near the scooty and before sitting on the scooty, the challan was issued to him wrongly. He does not wish to lead defence evidence as he does not have any evidence in his favour.

Appreciation of Evidence led before the Court:

11. I have heard the arguments advanced by the parties as well as the materials placed on record before this court.

12. Before delving into the facts placed before this court, it is necessary to reiterate the legal provisions. Section 194D of M.V. Act states as follows:

“ 194D. Penalty for not wearing protective headgear.-- Whoever drives a motorcycle or causes or allows a motorcycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding

licence for a period of three months”.

129. Wearing of protective headgear.-- Every person, above four years of age, driving or **riding** or being carried on a motorcycle of any class or description shall, while in a public place, wear protective headgear conforming to such standards as may be prescribed by the Central Government:

13. Now, the question arises whether owner of the offending vehicle i.e. accused in the present case can be held liable for offence u/s 194D of MV Act, if pillion rider is not wearing helmet ?

Section 129 clearly stated that a person above 04 years of age while riding on scooty should wear protective headgear according to the standards prescribed by the central government. It means that pillion rider must always wear helmet while riding on the scooty. Section 194D clearly stated that whoever drives a motor vehicle in contravention section of 129, then he may be liable for offence u/s 194D of MV Act. Therefore, the accused i.e. owner of the offending vehicle can be held liable u/s 194D of MV Act, if pillion rider is not wearing helmet.

14. Coming to the present traffic challan, the prosecution has proved the presence of the accused vehicle bearing registration no. DL7SCQ7716 on the given place, at given time on date of the offence. The status report of the offending vehicle which is Ex. P1 establishes the liability of the accused vehicle for the offence of **194D** M.V. Act. It is pertinent to note the testimony of PW-1 & PW-2. Both the witnesses corroborated the same version that accused was driving the vehicle and pillion rider was not wearing helmet at that time. In cross-examination, both the prosecution witnesses testified that accused wife was not wearing helmet at that time and she was not standing near the scooty. Accused has not produced any evidence to establish that offending vehicle was not present at the given date. Accused person only argued that his wife was standing near the scooty and before sitting on the scooty, the challan was issued to him.

However, accused person did not produce any evidence in his favour that the challan was issued to him wrongly. He stated in examination u/s 351 BNSS that he does not want to lead defence evidence as he does not have any evidence in his favour.

In the present case, prosecution is able to discharge its burden of proof that pillion rider was not wearing helmet at the time of issuance of challan which is also corroborated by the testimony of both the prosecution witness and also by the status report filed by TI Mayur Vihar. Therefore, the onus shifts upon the accused person. The accused person has not produced any evidence in his favour to prove that the challan was issued to him wrongly. If prosecution is successful to prove its case beyond reasonable doubt, then the onus shifts on the accused person. In the absence of any evidence from the defence side, this court cannot wholly rely upon the oral testimony of accused person that challan was issued to him wrongly. Accused must always prove any evidence to disprove the version of prosecution story.

In Sarwan Singh vs. State of Punjab (2003)1SCC240, Apex Court observed as:

" It is a rule of essential justice that whenever the opponent has declined to avail himself of the opportunity to put his case in cross- examination, it must follow that the evidence tendered on that issue ought to be accepted".

15. It is trite law that to impose a criminal liability on a person, the prosecution must establish its case beyond any reasonable doubt and if the defence is successful in casting a reasonable doubt on the prosecution's story, then the benefit of doubt must be given to the accused. If prosecution is successful in discharge of its burden beyond reasonable doubt, then onus shift upon accused person to disprove the prosecution version. From the above discussion, it is clear that the prosecution has been able to prove its case beyond any reasonable doubt and the defence has failed to raise any reasonable doubt against his liability.

Conclusion:

16. In the light of these circumstances, the accused in the present case stands convicted for the offence punishable U/s **194D** of Motor Vehicle Act.

17. Let accused be heard on point of sentence. Copy of the judgment as well as the copy of order on point of sentence be given to accused free of cost.

18. This judgment contains 7 pages. This judgment has been pronounced by the undersigned in the open court and each page bears the signatures of the undersigned.

19. Let a copy of the judgment be uploaded on the official website of District Courts, Karkardooma Courts forthwith.

Announced in open court on 24.09.2025.