



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3115 of 2025

Sri Niranjana Behera

.....

Petitioner(s)

Mr. Rama Krishna Naik, Adv.

-Versus-

State of Odisha & Ors.

..... *Opposite Parties*

Mr. Pravakar Behera, SC

for Transport Department

Ms. Gayatri Patra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

31.01.2025

Order No.

01.

1. This matter is taken up through a hybrid arrangement.
2. Heard.
3. The Petitioner has filed this Writ Petition with the following prayer:-

"It is therefore prayed that your Lordship may graciously be pleased to admit and allow the writ petition and after hearing from both the sides, may kindly pass an order directing the Opp. Parties to consider the case of the petitioner relaxing the 50% of penalty as imposed in connection with issuance of challans carrying passengers in goods vehicle in respect of the vehicle bearing Regd. No- OD-05-AJ-9522 (Pick-Up).

And further pass an order directing the Opp. Parties to send e-Challan/VCRs issued at regular interval under Annexure-3



series to the jurisdictional Magistrate in respect of the above mention Vehicle.

And for which act of kindness, the petitioner shall as in duty bound ever pray."

4. Mr. Pravakar Behera, learned Standing Counsel for Transport Department submits that in view of Sections 194 and 192 (A) of the Motor Vehicles Act, 1988, the Petitioner is required to appear before the Authority, who has issued the VCR and pray for transmission of the record to the jurisdictional Magistrate, if he wants to contest the case. The Petitioner has not yet appeared before the authority and made such prayer. Since the Challan/VCR amount in total is Rs.17,000/- (Rupees Seventeen Thousand Only), the Petitioner may be directed to deposit 50% of the same and contest the case before the jurisdictional Magistrate. Hence, he prays that the Petitioner is required to produce the driving license in original of the driver of the offending vehicle for taking appropriate action.

5. Taking into consideration the submissions of learned counsel for the parties, this Court directs that without prejudice to the case of either parties, in the event the Petitioner deposits 50% of the VCR amount i.e. Rs.8,500/- (Rupees Eight Thousand Five Hundred Only) before the concerned R.T.O. along with driving license of the driver of the offending vehicle, the e-Challan/VCR



shall be transmitted to the jurisdictional Magistrate for adjudication in accordance with law, if not already transmitted. It is made clear that such deposit, if made, as directed above, shall be subject to the result of the adjudication to be made by the jurisdictional Magistrate.

6. So far as issuance of fitness certificate and permit is concerned, the Petitioner may apply for the same before the concerned R.T.O. by filing necessary application, which shall be considered in accordance with law.

7. With the aforesaid observation and direction, the writ petition is disposed of.

8. A copy of the writ application along with a copy of this order shall be served on Mr. Pravakar Behera, learned standing counsel for Transport Department for onward communication to the Opposite Parties.

9. Issue urgent certified copy as per rules.

(Dr. S.K. Panigrahi)
Judge

Signature Not Verified

Digitally Signed
Signed by: SUMITRA NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Feb-2025 17:41:25

