

POLICE CIRCULAR ORDERS No. 126

Prosecution
under the
Motor
Vehicles
Act.

An instance has come to notice in which the P.R. under section 112/123, M.V. Act, was submitted to the Magistrate having no territorial jurisdiction over area where the commission of the offence was detected, the ownership of the vehicle was not properly verified from the records concerned, and a wrong person was shown in P.R. as the owner of the vehicle. The Circle Inspector as well as the M.V. Section of the District Police Office past on the P.R. without suitable verification/scrutiny. The C.S.-I. who put it up before the Magistrates for taking cognizance also failed to detect the defect so far as the territorial jurisdiction was concerned. As a result, case ended in acquittal and the owner of the vehicle brought a damage suit against the state, putting the Government and this department in an embarrassing position.

In order to safe guard against such recurrence it is hereby ordered that before submission of a P.R. under the M.V. Act, the officer submitting the P.R. should ensure that the P.R. is addressed to the Magistrate having territorial jurisdiction over the place where the offence was detected. He shall thoroughly verify the name and address of the driver/conductor/owner of the vehicle and other particulars from relevant records before submission of the prosecution report.

The Circle Inspector, officer-in-Charge M.V. Section of the District Police Office and the C.S.-I. in turn will further scrutinise and check errors and omissions in the P.R. before the prosecution is sanctioned and finally put up before the Magistrate.

The above procedure shall be strictly observed by all concerned. Any deviation therefrom or infringement of the order will be seriously viewed.

(Previous Police Circular Order No. 4 of 1959)