
(1954) 07 MAD CK 0029
In the Madras High Court
Case No : Writ Appeal No. 17 of 1954

Malabar Roadway Service, Kozhikode	APPELLANT
Vs	
State of Madras and Others	RESPONDENT

Date of Decision : 12-07-1954

Acts Referred:

Motor Vehicles Act, 1939 — Section 60

Citation : AIR 1955 Mad 176 : (1955) CriLJ 536 : (1955) ILR (Mad) 1035 : (1955) 68 LW 938

Hon'ble Judges : Rajamannar, C.J;Somasundaram, J

Bench : Division Bench

Advocate : T. Chandalvaroyan, for the Appellant; Special Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Rajamannar, C.J.—In our opinion, this appeal must be dismissed. But we would prefer to rest our decision on the merits.

The main point of the appellant before us was that the prosecution of the conductor who was in charge of the bus on the material date ended in an

acquittal, and therefore, applying the principle of the decision in -- Jerome D'Silva Vs. The Regional Transport Authority, South Kanara and

Another, , the order of the suspension by the Transport Authority should be vacated. The learned Judge, whose order is under appeal, on a careful

consideration of that judgment, held that it did not compel him to hold that the order of the Transport Authorities was illegal or void, because there

was no finding by the Magistrate that there had been no overcrowding. The acquittal was on a technical ground, viz., that the prosecution had not

proved by the production of the G permit the sanctioned capacity of the vehicle.

An acquittal in such circumstances cannot amount to a positive finding by the criminal Court that the accused is not guilty of the offence.

In our opinion, in spite of such a technical acquittal, it would be open to the Transport Authorities if satisfied on the material before them to hold that there had been overloading. On this ground, we agree that the appellant had no case. It is not necessary to deal with the other points arising out of the judgment under appeal.

2. The appeal is dismissed with costs, Advocate's fee Rs. 100/-.

Appeal dismissed.