

IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC.APP. 347/2009

Date of Decision : AUGUST 19, 2009

RAJIV DHAWAN & ANR Appellants
Through : Mr. Dharendra Singh, Adv.

versus

PHIRTU & ANR Respondents
Through : None.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

MAC.APP. No.347/2009 and CM No.9958/2009

1. Issue notice to the respondents, returnable on 5th October, 2009.
2. Subject to the deposit of the principal award amount by the appellants with the Registrar General of this Court within four weeks, the execution of the impugned award shall remain stayed.
3. Appellant No.1 is the owner and appellant No.2 is the driver

of the offending vehicle. The learned counsel for the appellants submit that the offending vehicle was not insured at the time of the accident. If that is so, the appellants have committed an offence under Section 196 of the Motor Vehicles Act, 1988 for driving the uninsured vehicle. Section 196 of the Motor Vehicles Act, 1988 is reproduced hereunder:

“Section 196. Driving uninsured vehicle – Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 146 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.”

4. Notice be issued to the Investigating Officer of FIR No.648/06 dated 8th September, 2006 P.S. Jahangir Puri under Section 279/337 to explain why the appellants were not prosecuted under Section 196 of the Motor Vehicles Act, 1988

5. It is noted that in cases of the accident caused by uninsured vehicles, the police is not prosecuting the owners and drivers of the uninsured offending vehicles under Section 196 of the Motor Vehicles Act, 1988.

6. Notice be issued to the Commissioner of Delhi Police to explain why the owners and drivers of uninsured vehicles are not prosecuted under Section 196 of the Motor Vehicles Act, 1988. The copy of this order be also sent to the Commissioner of Police.

J.R. MIDHA, J

AUGUST 19, 2009