

**IN THE COURT SPECIAL MOBILE MAGISTRATE (TRAFFIC)**  
**KASHMIR AT SRINAGAR.**

\*\*\*\*\*

**File No. 4172/Misc/2025.**

**Date of Institution: 18.02.2026**

**Date of Decision: 05.05.2026**

**In the case of:**

***Ahra Syed D/o Abubakar Ahmad Syed  
R/o Madina Bagh, Chanapora, Srinagar.***

***.... Applicant/Violator. (In Person).***

***Versus***

***SSP Traffic Police City Srinagar.***

***.... Non-Applicant***

***Through APP. Ms. Chasfeeda Shafi.***

**CORAM:- SHABIR AHMAD MALIK**

**UID No.:- JK00247**

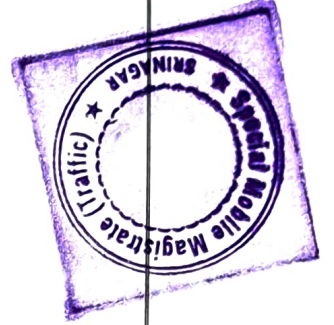
**J U D G M E N T**  
**05.05.2026.**

1. This judgment shall dispose of the challans issued against the vehicle bearing registration No. JK01AU-7078. Since all the challans have been issued against the same vehicle and registered owner, as such they have been consolidated to be tried jointly. The details of challans are given below

a) Challan No. JK16201225111015320 dated 10-11-2025 at 11:53:20, for an alleged offence shown as "Disobedience of traffic signals", location mentioned as LD Hospital Road, GogjiBagh, Wazir Bagh, Srinagar.

b) Challan No. JK237711250325143600 dated 25-03-2025 at 14:36:00, for an alleged offence shown as "Driving vehicle on footpath or track in breach of Rules".

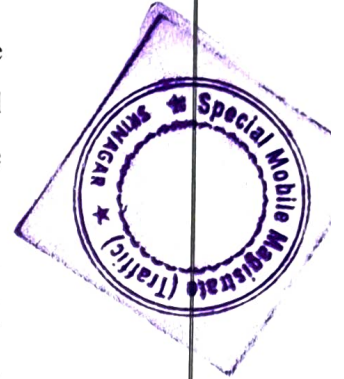
c) Challan No. JK111035226021145655 dated 01-02-2025 at 14:56:55, for an alleged offence shown as "Driving vehicle on footpath or track in breach of Rules".



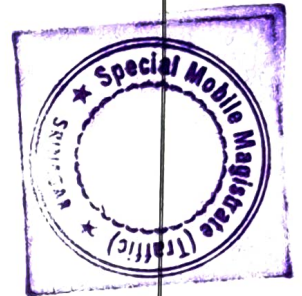
d) Challan No. JK230390250120172259 dated 20-01-2025 at 17:22:59, for an alleged offence shown as “Disobeying lawful direction”, location mentioned as 7 Square, Hyderpora Chowk, Srinagar.

e) Challan No. JK152036251205125743 dated 05-12-2025 at 12:57:43, for an alleged offence shown as “Disobeying Lawful direction”.

2. Consequently, upon issuing the challans, notice was issued to the alleged violator through E-court and the alleged violator appeared before this court and chose to contest the challans issued against the vehicle bearing registration No. JK01AU-7078.
3. The statement of the alleged violator was recorded wherein she pleaded not guilty and claimed trial. The alleged violator/registered owner, besides contesting the impugned challans also filed a petition for cancellation/ quashment of impugned challans and same was clubbed with the impugned challans for disposal. It has been stated that she is the registered owner of the Motor Vehicle bearing Registration No. JK01AU-7078 and she has always adhered to traffic regulations and has never indulged in reckless or dangerous driving. It has been further averred the challans have been issued due to the repeated, mechanical and unlawful issuance of e-challans by the Traffic Police authorities without factual foundation, without application of mind, and in complete disregard of statutory requirements and constitutional safeguards.
4. It has been also stated that the impugned challans are not the result of genuine enforcement of traffic discipline but are a manifestation of a revenue-oriented challan regime, wherein members of the general public are indiscriminately targeted, photographed, and penalised without any meaningful verification of facts. With respect to the challan alleging disobedience of traffic signals including Challan No. JK1620122511015320 dated 10-11-2025, the alleged violator/applicant stated that the location mentioned, namely LD Hospital Road, Gogji Bagh, Srinagar, does not have any functional or operational traffic signal installed at the relevant point. Issuance of a challan for disobedience of traffic signals at a place where no



traffic signal exists is per se illegal, arbitrary and reflects total non-application of mind. The challan does not disclose which signal was allegedly disobeyed, whether the signal was red, amber or green, at what exact moment the alleged violation occurred, or how the alleged violator's vehicle is shown to have crossed any stop line. The photographs annexed do not depict any traffic signal, any signal post, any stop line or any act of violation. Merely clicking a photograph of a moving or stationary vehicle, without capturing the essential ingredients of the alleged offence, does not constitute proof of violation under the Motor Vehicles Act. Regarding the challans alleging disobedience of lawful direction, including Challan Nos. JK230390250120172259 dated 20-01-2025 and JK152036251205125743 dated 05-12-2025, the alleged violator/petitioner submitted that these challans are hopelessly vague and legally unsustainable, neither challan specifies what lawful direction was given, by which officer, at what time, in what manner, and how such direction was communicated to the violator/applicant. There is no mention of any hand signal, verbal instruction, barricade, signboard or public announcement. Penalizing a citizen for allegedly disobeying an undefined and unrecorded direction amounts to arbitrary exercise of power and violates the basic principles of natural justice. A charge under Section 179 of the Motor Vehicles Act requires proof of willful disobedience of a clear and lawful command, which is completely absent in the present case. With regard to the Challans alleging "Driving vehicle on footpath or track in breach of Rules", including Challan No's JK237711250325143600 dated 25-03-2025 and JK11035226021145655 dated 01-02-2025, the alleged violator/applicant submitted that the photographs relied upon do not establish that the vehicle was being driven on any designated footpath or pedestrian zone. The images do not demarcate any footpath boundary, kerb stone, pedestrian marking or signage prohibiting vehicular movement. There is no clarity as to whether the area shown is a road shoulder, parking edge, private access or public carriageway. No specific rule, notification or statutory



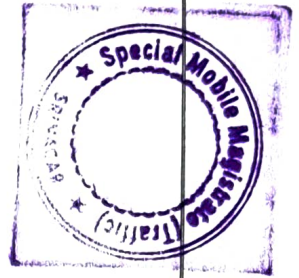
provision allegedly breached has been cited. Section 177 of the Motor Vehicles Act is a residuary provision and cannot be invoked mechanically without identifying the precise rule violated. The vague and ambiguous photographs annexed fail to meet the evidentiary threshold required to sustain a penal charge. The applicant further submits that taking photographs of a private vehicle, without clearly demonstrating an offence, and using such photographs as the sole basis for issuing challans, amounts to misuse of enforcement powers and unjustified intrusion. Taking photographs of a car by itself does not signify breach of law. The impugned challans are a classic example of how E-challan mechanisms are being misused to penalise citizens without accountability, clarity or transparency. The applicant also submitted that issuance of an E-challan is governed by Rule 167A of the Central Motor Vehicles Rules, 1989 and the impugned E-Challans issued against the alleged violator/ applicant, being contrary to the mandatory requirements of Rule 167A, are illegal, arbitrary and liable to be set aside. Finally, it has been prayed that the above mentioned challans, issued against Vehicle No. JK01AU-7078, being arbitrary, mechanical, vague, unsupported by evidence and contrary to law, may be cancelled/ set-aside. Further it has been prayed that the Respondent-Traffic Police Authorities may be directed to strictly adhere to statutory procedure and evidentiary standards while issuing e-challans, and direct initiation of departmental and legal action against the concerned officials/traffic personnel who issued the impugned challans, for willful misuse of authority, abuse of power, harassment of the alleged violator/ applicant, and further direct that such officials be held personally accountable and punished in accordance with law for their intentional wrongdoing, so that such illegal practices are curbed and public confidence in lawful enforcement is restored and pass such other and further order(s) as the Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

5. The prosecution was directed to produce evidence. However, despite sufficient opportunities the prosecution has failed to produce



any witness. The prosecution vide order dated 13.04.2026 was given a last and final opportunity to lead the evidence. The prosecution could not produce a single witness in support of their case. However, a report has been filed wherein it has been stated that *the violator while driving vehicle bearing registration No. JK01AU-7078 had violated the traffic norms 05 times and accordingly the vehicle possessed by the violator has been challaned for multiple offences on genuine grounds and the claims put forth by the violator that she has been challaned without any reason or rhyme are baseless.*

6. Heard the Ld. APP for the U.T of Jammu and Kashmir and the alleged violator/applicant who appeared in person being a practicing advocate. The Ld. APP stated that the photographs attached with the challans are sufficient proof of violation and the report submitted by the SSP Traffic (city) substantiates that the violation has been committed. On the other hand the alleged violator/applicant stated that the impugned challans are not the result of genuine enforcement of traffic discipline but are a manifestation of a revenue-oriented challan regime, wherein members of the general public are indiscriminately targeted, photographed, and penalized without any meaningful verification of facts and taking photographs of a private vehicle, without clearly demonstrating an offence, and using such photographs as the sole basis for issuing challans, amounts to misuse of enforcement powers and unjustified intrusion. Taking photographs of a car by itself does not signify breach of law. The impugned challans are a classic example of how E-challan mechanisms are being misused to penalise citizens without accountability, clarity or transparency. It has been further stated that the issuance of an E-challan is governed by Rule 167A of the Central Motor Vehicles Rules, 1989 and in the instant case there has been a violation of the rule as well.
7. It shall be profitable to reproduce Rule 167A of the Central Motor Vehicles Rules, 1989, introduced vide notification G.S.R 575(E) on 11<sup>th</sup> August-2021 which lays down detailed procedure for



enforcement and use of electronic devices for the purpose of E-challans.

**“Rule 167A. Electronic Monitoring and Enforcement of Road Safety.**

(1) The electronic enforcement device used for issuance of a challan shall have an approval certificate signed by a designated authority of the State Government certifying that the device is accurate and operating properly and the approval certificate shall be renewed on a yearly basis.

Explanation. - (1) For the purpose of this rule, "electronic enforcement device means a speed camera, closed-circuit television camera, speed gun, body wearable camera, dashboard camera, Automatic Number Plate Recognition (ANPR), weigh in machine (WIM) and any such other technology specified by the State Government.

(2) Body wearable camera may be worn by police officer, transport official or any other official authorised by the State Government and such officer or official shall notify to the offender that he is being recorded by the body camera and similarly, dashboard camera may be placed on the dashboard of any police vehicle or in any other vehicle as authorised by the State Government for enforcing the traffic rules and such officer or official shall notify to the offender that he is being recorded by the dashboard camera.

(2) State Governments shall ensure that appropriate electronic enforcement devices are placed at high-risk and high-density corridors on National Highways and State Highways, and at critical junctions at least in major cities with more than one million population (as per data available based on Million Plus Urban Agglomerations or Cities: census of India 2011 or as per the latest census) including the 132 cities as

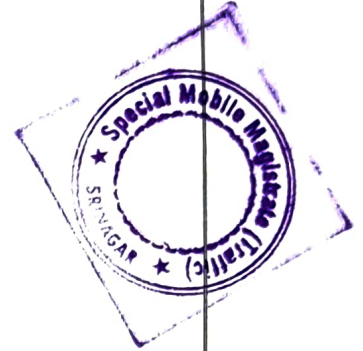


specified in the table below, and the electronic enforcement device shall be placed in such a manner so as not to cause any obstruction, line-of-sight issues or interruption in traffic flow...

TABLE.....

(3) For sub-rules (1) and (2), the footage from an electronic enforcement device having electronic stamp for location, date and time, can be used to issue challan for the following offences, namely: -

- (i) not driving within the prescribed speed limit (sections 112 and 183);
- (ii) stopping or parking vehicle at an unauthorised location (section 122); (iii) not undertaking Safety measures for drivers and pillion riders (section 128);
- (iv) not wearing protective headgear or helmet (section 129);
- (v) jumping a red light, violating a stop sign, using of handheld communications devices while driving, passing or overtaking other vehicles in a manner contrary to law, driving against the authorised flow of traffic, driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous section 184):
- (vi) driving vehicle exceeding permissible weight (sub-section (1) of section 194);
- (vii) driving without safety belt (section 194B);
- (viii) contravention of rule 6 (pertaining to lane driving) of the Motor Vehicles(Driving) Regulations, 2017 (section 177A);
- (ix) Goods carriage carrying passengers (section 66);



(x) contravention of rule 36 (pertaining to Registration plates) of the Motor Vehicles(Driving) Regulations, 2017 (section 177A);

(xi) driving vehicle with load that extends beyond the sides of body or to the front or to the rear or in height beyond the permissible limit (sub-section (IA) of section 194);

(xii) failure to provide free passage to emergency vehicle (section 194E).

(4) (a) State Governments shall ensure that appropriate warning signs are conspicuously placed before the stretches monitored by electronic enforcement device, notifying the public that such device is in use and the concerned authorities shall ensure that physical markings, physical stop lines and pedestrian crossing are clearly marked on the road.

(b) Appropriate fixed and dynamic speed limit signs may also be used to notify the speed limits on the road sections during adverse weather conditions, such as rain, hail, foggy weather etc. as well as for indicating any obstruction ahead in the route.

(5) (a) Body wearable cameras shall be explicitly used by the law enforcement officers, such as police and transport officials, while managing the traffic or carrying out any enforcement drive and such devices shall be used to record the proceedings of an event, which can be used in the court as an evidence against the offending driver or person and also ensure that the law enforcement official has acted as per the provisions of law while penalising the offending driver or person.

(b) Both the video and audio functions of the body camera shall be activated only when the law enforcement official is on duty and the official shall



notify the subjects that they are being recorded by the body camera.

(6) All challans issued under rule 167 in electronic form using auto-generation of challan through the electronic monitoring and enforcement system shall be accompanied with the following information, namely:

(i) clear photographic evidence highlighting the offence and the license plate of the vehicle:

(ii) measurement from the electronic enforcement device:

(iii) date, time and place of the offence:

(iv) notice specifying the provision of Act that has been violated:

(v) certificate as per sub-section (4) of section 65B of the Indian Evidence Act 1872(1 of 1872), which. -

(a) identifies the electronic record and describes the manner in which it was produced:

(b) gives such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer:

(c) signed by the officer authorised in this behalf by the State Government.

(7) Challans, under sub-rules (1) and (2), shall be issued in the name of the registered owner of the vehicle and must be accompanied with a notice of offence in electronic form viz SMS or e-mail or in physical form.

(8) (a) The payment of the challan shall be made within the time period specified in the sub-rules (5), (6) and (7) of rule 167.

(b) The payment of e-challan can be made electronically on an online portal specified by the State Government or using cash or card at Traffic Police



Stations or at designated places or the e-payment gateway of the e-challan system as specified by States.

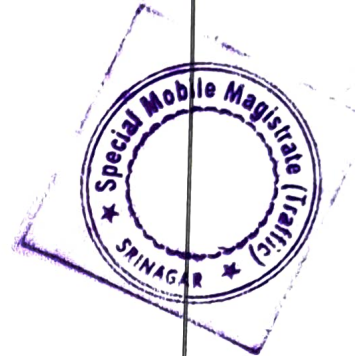
(9) The notice of offence shall be sent within fifteen days of the occurrence of the offence and the electronic record collected by way of electronic monitoring should be stored till the disposal of challan and in the case where the electronic record relates to an offence, should be stored till the conclusion of proceedings initiated, including appeals.

(10) In case the owner of the vehicle was not driving the vehicle at the time of offence, he may claim innocence before the police officer or any officer authorised by the State Government, by providing appropriate proof that he was not the driver at the time of the offence, or that another person was the driver at the time of the offence."

8. Rule 167A of the Central Motor Vehicles Rules, 1989 was introduced to facilitate a digital and transparent system of traffic enforcement through electronic means. The Rule provides for the use of electronic devices for the issuance of challans for traffic violations, as a modern substitute for the conventional written/paper challan system.

A plain reading of Rule 167A and the scheme of the CMVR makes it clear that the challan shall be issued by the "electronic enforcement device" which shall have an approval certificate signed by a designated authority of the State Government certifying that the device is accurate and operating properly and the approval certificate shall be renewed on a yearly basis. The term 'electronic device' as used therein is not synonymous with any commercially available mobile phone or personal handheld device of the police officer. The Rule contemplates officially issued, authenticated, and designated devices that are:

(a) Procured, supplied, and configured by or under the authority of the State Government/Union Territory Administration or the competent traffic authority;



- (b) Integrated with the national databases, as well as the NIC-managed National E-Challan System;
- (c) Capable of generating a unique, system-authenticated challan number that is traceable, verifiable, and linked to a tamper-evident audit trail;
- (d) Equipped with features such as GPS geo-tagging, photographic evidence capture, biometric authentication of the issuing officer, and real-time data synchronization, all of which lend legitimacy, accountability, and enforceability to the challan.

9. A personal mobile phone/smartphone however technologically advanced does not, by its mere ownership or possession by a police officer, acquire the character of a prescribed device under Rule 167A CMVR. Such a device lacks official authentication, is not registered or linked to the traffic enforcement system in the name and designation of the issuing officer, and is not subject to the oversight and accountability mechanisms envisaged by the Rule.

10. According to Sub-rule (6) of Rule 167A the challan issued in electronic form shall be accompanied with the following information, namely:

- (i) clear photographic evidence highlighting the offence and the license plate of the vehicle,
- (ii) measurement from the electronic enforcement device,
- (iii) date, time and place of the offence,
- (iv) notice specifying the provision of Act that has been violated,
- (v) certificate as per sub-section (4) of section 65B of the Indian Evidence Act 1872(1 of 1872), which. -
  - (a) identifies the electronic record and describes the manner in which it was produced,
  - (b) gives such particulars of any device involved in the production of that electronic record as may be appropriate



for the purpose of showing that the electronic record was produced by a computer,

(c) signed by the officer authorised in this behalf by the State Government.

11. Allowing the issuance of challans through personal mobile phones would open the doors to serious mischief, including the generation of fake or unauthorised challans, denial of accountability, manipulation of evidence, and harassment of citizens, outcomes which the digital challan system was specifically designed to prevent
12. Therefore, the issuance of a challan through a personal mobile phone/smartphone by a police officer as opposed to an officially issued and authenticated device is not in conformity with the mandate of Rule 167A of the CMVR and renders such a challan procedurally defective and legally infirm.
13. It is also important to mention here that the E-challans are restricted to the offences specified under Rule 167A CMVR only. E-Challans cannot be issued for every offence under the Motor Vehicles Act, 1988, the E-Challans under Sub-rule (3) of Rule 167A CMVR can be issued for the following offences: -



S.No	Description of the offence	Sections
	Not driving within the prescribed speed limit.	112&13
II	stopping or parking vehicle at an unauthorised location	122
III	not undertaking Safety measures for drivers and pillion riders	128
IV	not wearing protective headgear or helmet	129
V	jumping a red light, violating a stop sign, using of handheld communications devices while	184

	driving, passing or overtaking other vehicles in a manner contrary to law, driving against the authorized flow of traffic, driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous	
VI	driving vehicle exceeding permissible weight	194(1)
VII	driving without safety belt	194B
VIII	contravention of rule 6 (pertaining to lane driving) of the Motor Vehicles(Driving) Regulations, 2017	177A
IX	Goods carriage carrying passengers	66
X	contravention of rule 36 (pertaining to Registration plates) of the Motor Vehicles (Driving) Regulations, 2017	177A
XI	driving vehicle with load that extends beyond the sides of body or to the front or to the rear or in height beyond the permissible limit	194 (IA)
XII	failure to provide free passage to emergency vehicle	194E



13. It has been held by the Hon'ble Supreme Court of India in **S. RAJASEEKARAN Vs UNION OF INDIA AND ORS. & ORS.**

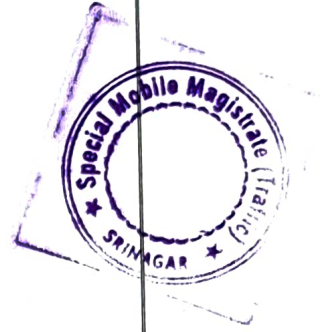
*"...We, therefore, direct that the Governments of all the Union Territories as well as the States shall immediately take steps to implement the provisions of Section 136A of the 1988 Act in terms of Rule 167A of the 1989 Rules which we have quoted above. After making the choice of electronic enforcement devices to be used for issuance of challans, the Governments of the Union Territories and the States shall ensure that compliance is made with sub-Rule (3) of Rule 167A of the 1989 Rules by issuing challans on the basis of the footage from the electronic enforcement device. Compliance will have to be made with other sub-Rules of Rule 167A including Rule 4(a). We may note here that devices must be used only for the purposes of sub-Rule (3) and not for keeping individuals under surveillance. We direct the Ministry of Road Transport and Highways to forward copies of this order to all concerned Governments of the Union Territories and the States to enable them to act upon it."*

14. The Hon'ble Supreme Court has held that after making the choice of electronic enforcement devices to be used for issuance of challans, the Governments of the Union Territories and the States shall ensure that compliance is made with sub-Rule (3) of Rule 167A of the 1989 Rules by issuing challans on the basis of the footage from the electronic enforcement device. Compliance will have to be made with other sub-Rules of Rule 167A including Rule 4(a). Therefore, the traffic police/challaning officers have to ensure that compliance is made with sub-Rule (3) of Rule 167A of the CMVR 1989 by issuing challans only against the offences provided under Sub-Rule (3) of Rule 167A



and only on the basis of the footage from the electronic enforcement device and not through a personal mobile phone/smartphone by a police officer which is not in conformity with the mandate of Rule 167A of the CMVR and renders such a challan procedurally defective and legally infirm. As the same is not only the violation of Rule 167A of the CMVR 1989 but also against the mandate of the order issued by the Hon'ble Supreme Court of India.

15. In the instant case it has not been established that the impugned challans have been issued by an officially issued authenticated electronic enforcement device as provided by the Rule 167A of Central Motor Vehicles Rules 1989, The photos attached with impugned challans appear to have been taken through a Mobile Phone as opposed to an officially issued and authenticated electronic enforcement device as provided by the Rule 167A CMVR and further the prosecution could not prove that the alleged violator has committed the violation.
16. Therefore, the pleas raised by the applicant/alleged violator regarding each challan appear to be well founded and reasonable. Further, the prosecution could not prove that the alleged violator/applicant has committed the violation. Therefore, the said challans are in violation of the mandatory procedural requirements of Rule 167A of Central Motor Vehicles Rules 1989 and the mandate of the order issued by the Hon'ble Supreme Court of India which renders such challans procedurally defective and legally infirm. As such, the challans issued against the alleged violator/applicant/registered owner of vehicle bearing registration No. JK01AU-7078, vide challans No. JK16201225111015320, JK237711250325143600, JK111035226021145655, JK230390250120172259, JK152036251205125743 are hereby dismissed/quashed.
17. Further the Traffic Police Authorities and other authorities empowered to issue e-challans are hereby directed to:
- (I) Strictly adhere to the mandatory requirements of Rule 167A of the CMVR, 1989 and the directions




of the Hon'ble Supreme Court of India while issuing e-challans;


- (II) Ensure that e-challans are issued only through officially authenticated electronic enforcement devices and only in respect of offences enumerated under Sub-rule (3) of Rule 167A;
- (III) Ensure that each e-challan is accompanied by all mandatory information prescribed under Sub-rule (6) of Rule 167A.

18. The Challans/petition are accordingly disposed of and shall be consigned to records after its due completion.

**Announced**  
**05-05-2026**

  
(Shabir Ahmad Malik)  
U.I.D No JK00247  
Special Mobile Magistrate  
(Traffic) Kashmir Srinagar

Copy of this judgment forwarded to SSP Traffic Police City Srinagar for information and compliance.

  
Special Mobile Magistrate (Traffic)  
Kashmir Srinagar  
Special Mobile Magistrate (Traffic)  
1st Class Kashmir Province  
Srinagar