

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
ERNAKULAM
(for the trial of criminal cases against sitting and former MPs/MLAs of the State)**

Present : Smt.Naina K.V., Additional Chief Judicial Magistrate

Dated this the 12th day of July, 2023

CC.No.51/2023

- Complainant : State represented by the Assistant Motor Vehicles Inspector,
Regional Transport Office, Enforcement Wing, Kakkanad,
Ernakulam in M.V Case No.161/2023
(By Sri. M.S.Aromalunni, Assistant Public
Prosecutor Sr. Grade)
- Accused : Roshan Shiju, S/o Shiju,
Thundathil House, Thaikkattukara,
Aluva, Ernakulam – 683 106
- Offence : U/ss. 5r/w 180, 199A, 39 r/w 192(1), 128(2) r/w CMVR R.123
r/w 194C, CMVR R.102(1) r/w 177, CMVR R 125(2) r/w 177
of Motor Vehicles Act, 1988
- Plea : Guilty
- Finding : Guilty
- Sentence or Order : Accused is convicted u/s.248(2) of Criminal Procedure Code.
He is sentenced to pay fine of ₹25,000/-(Rupees Twenty Five
Thousand only) for the offence punishable u/ss 199A of Motor
Vehicles Act, 1988 and to undergo simple imprisonment till the
raising of court. In default of payment of fine, the accused shall
undergo Simple Imprisonment for a period of two weeks. As
per Sec.199(4) of the Motor Vehicle Act, 1988 the registration of
the motor vehicle involved in the case is to be cancelled for a
period of 12 months. Hence intimate R.T.O. having jurisdiction
to take necessary steps and to report. He is also sentenced to

pay fine of ₹5,000/-(Rupees Five Thousand only) u/s.5 r/w 180 of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one week. He is also sentenced to pay fine of ₹2,000/-(Rupees Two Thousand only) u/s.39 r/w 192(1) of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one week. He is also sentenced to pay fine of ₹1,000/-(Rupees One Thousand only) u/s.128(2) r/w 194(C) of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one day. The license of the accused shall stand cancelled for a period of 3 months. Hence intimate R.T.O. having jurisdiction to take necessary steps and to report. He is also sentenced to pay fine of ₹500/-(Rupees Five Hundred only) each for the offences punishable under CMVR R.102(1) r/w 177, CMVR R 125(2) r/w 177 of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one day for each offences.

This case came up for consideration today and the court on the same day passed the following:

J U D G M E N T

This complaint filed by the Assistant Motor Vehicles Inspector, Regional Transport Office (enforcement), Kakkanad in M.V Case No.161/2023 alleging commission of offences punishable U/ss 5r/w 180, 199A, 39 r/w 192(1), 128(2) r/w CMVR R.123 r/w 194C, CMVR R.102(1) r/w 177, CMVR R 125(2) r/w 177 of Motor Vehicles Act, 1988.

2. The allegations in the complaint are that the brother of accused who has not attained majority, rode the motorcycle bearing Reg.No.KL-13-AT-1029 owned by the

accused along Pipeline road from Aluva to Patteripuram on 27.04.2023 at 18 hours. It was alleged that the said juvenile rode the said motorcycle with the consent and knowledge of the accused. It was further alleged that the registration mark was not displayed on the front and back side of the vehicle. No sari guard, direction indicator lamp and rear view mirrors were fitted in that vehicle. Therefore, the accused are alleged to have committed the aforesaid offences.

3. Accused is present. Vakkalath filed. Copies served. He submitted that he is ready to plead guilty. Heard. Charge was framed, read over and explained. Accused pleaded guilty. I am satisfied that the plea is made voluntarily. Hence plea is accepted.

4. In the result, the accused is convicted u/s.248(2) of Criminal Procedure Code. He is sentenced to pay fine of ₹25,000/-(Rupees Twenty Five Thousand only) for the offence punishable u/ss 199A of Motor Vehicles Act, 1988 and to undergo simple imprisonment till the raising of court. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of two weeks. As per Sec.199(4) of the Motor Vehicle Act, 1988 the registration of the motor vehicle involved in the case is to be cancelled for a period of 12 months. Hence intimate R.T.O. having jurisdiction to take necessary steps and to report. He is also sentenced to pay fine of ₹5,000/-(Rupees Five Thousand only) u/s.5 r/w 180 of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one week. He is also sentenced to pay fine of ₹2,000/-(Rupees Two Thousand only) u/s.39 r/w 192(1) of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one week. He is also sentenced to pay fine of ₹1,000/-(Rupees One Thousand only) u/s.128(2) r/w 194(C) of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one day. The license of the accused shall stand cancelled for a period of 3 months. Hence intimate R.T.O. having jurisdiction to take necessary steps and to report. He is also sentenced to pay fine of ₹500/-(Rupees Five Hundred only) each for the offences

punishable under CMVR R.102(1) r/w 177 of Motor Vehicles Act, 1988 , CMVR R 125(2) r/w 177 of Motor Vehicles Act, 1988. In default of payment of fine, the accused shall undergo Simple Imprisonment for a period of one day for each offence.

Pronounced by me in Open Court, on this the 12th day of July, 2023.

Additional Chief Judicial Magistrate