

No.D3-1225/STA/06

Transport Commissionerate  
Kerala, Thiruvananthapuram  
Dated: 08.03.2006.

From

The Transport Commissioner  
Thiruvananthapuram.

To

All Deputy Transport Commissioners,  
All Regional Transport Officers and  
All Joint Regional Transport Officers.

Sir,

Sub: Motor vehicles Department - Compounding of Offence-reg.

Ref: Judgment in OP No. 3663/98 dated 13.12.2005.

Attention is invited to the reference cited. When the offence of over loading is compounded at the spot or later under Section 200 of the Act, the minimum fine payable in Rs. 2000/- and Rs. 1000/- is payable for every 1000 kg or part thereof the excess load.

But when the fine is imposed in lieu of suspension or cancellation under section 86(5) read with rule 186 of Kerala Motor Vehicles rules after issuing charge memo the maximum amount that can be recovered is only Rs.2000/- (previously it was Rs. 1000/-). This is a lacuse of the rules since the amount recoverable in lieu of suspension/cancellation per day is given in the first column of the table in rule 186 where as in the 2nd columns, the maximum amount that can recovered is specified.

This anomaly has resulted in the judgment referred to above. The matter has been taken up with Government for appropriate amendment. Meanwhile, you are directed not to issue charge memo under section 186 for the offence of over loading but issue notice under section 200. So that the compound fee specified under that section can be collected for ensuring deference.

Yours faithfully,  
Sd/-  
Senior DTC & Secretary STA  
For Transport Commissioner.