

to C1/15078/TC/99

Head Office,
Motor Vehicles Department,
Thiruvananthapuram,
Dated, 28.08.2002.

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The Transport Commissioner,
Thiruvananthapuram.

All Deputy Transport Commissioners/
All Regional Transport Officers/
All Joint Regional Transport Officers and
Motor Vehicles Inspectors in charge of Check Posts.

Sir,

Sub : M.Vs. Compounding of Offences -- clarification -- reg.

The Deputy Transport Commissioner, Thrissur has sought clarification as to whether more than one offence committed simultaneously have to be compounded separately or integrally. A Goods carriage operating without valid permit and fitness certificate can be taken as an example. The question is whether separate fine for each of the above offences can be collected.

From the wording of section 200 of the M.V. Act it is clear beyond doubt that each offence has to be taken separately for compounding. There is nothing in the section to warrant the interpretation that more than one offence in respect of a vehicle can be compounded by receiving the amount for only one of such offence in the example quoted. Since violations of different provisions constitute distinct offences, proceedings against the violators are permissible for each of such offence and if the proceedings are to be avoided separate compounding fee will have to be paid for each of such distinct offences.

The Offence of using a transport vehicle without permit is an offence under section 192 A, whereas operation without valid fitness certificate is an offence under section 192 for which separate punishment is prescribed. Therefore the offences have to be dealt with as two distinct offences.

It may also be noted that the offence under section 192 A is not compoundable since it is not included among the compoundable offences mentioned in section 200.

Yours faithfully,
Sd/-
Transport Commissioner.

Approved for issue,

Senior Superintendent.

Sd/-

09/09/02