

**FAO-5652-2018 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(240)****FAO-5652-2018 (O&M)
Date of decision:- 22.05.2025****Darshan Singh****... Appellant****Versus****Saneha Begam and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Tarunveer Vashist, Advocate
for the appellant.

Mr. Prashant Bansal, Advocate
for the respondents No.1 and 2.

**********SUVIR SEHGAL, J. (ORAL)**

1. Assailing award dated 14.05.2018 passed by the Motor Accident Claims Tribunal, Patiala (for short “the Tribunal”), appellant, who is the driver of the offending vehicle, has approached this Court by way of instant appeal filed under the provisions of the Motor Vehicles Act, 1988 (for short “the M.V. Act”).
2. Facts, in brief, leading to the filing of the appeal are that on 01.02.2015, a motorcycle bearing registration No.PB-65G-6821 driven by appellant, collided with the motorcycle driven by Naseem Khan, who fell on the road and received grievous injuries. Basir Khan and Wazir Khan, who were travelling on a separate motorcycle, rushed Naseem Khan to a private hospital, where he was attended to. Naseem Khan was referred to PGI, Chandigarh, but



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unfortunately, he expired on the way. His postmortem was conducted. A claim petition was filed by his widow and minor son, respondents No.1 and 2/claimants under Section 166 of the M.V. Act, which has been partly accepted vide impugned award and they have been granted compensation of Rs.7,58,500/- along with interest at the rate of 7.5% per annum from the date of institution of the petition. The entire liability has been fastened upon the appellant as the vehicle was not insured at the time of the accident.

3. Two fold argument have been raised by counsel for the appellant. Firstly, he has argued that after facing trial in the criminal case, appellant has been acquitted vide judgment dated 21.05.2015, Ex. R-1 and Tribunal has erred in imposing the liability of payment of compensation upon the appellant. Secondly, he has urged that he was not the owner of the vehicle on the date of the accident. He has made a reference to the Registration Certificate, Ex.R-7, to contend that the vehicle was transferred to his name under police pressure on 21.03.2015, whereas accident had taken place prior thereto. He has relied upon *Naveen Kumar Versus Vijay Kumar and others, (2018) 3 SCC 1.*

4. Opposing him, counsel for the claimants has supported the award and has contended that appellant has admitted that he was owner of the motorcycle on the date of the unfortunate accident. He has argued that the judgment passed in the FIR case cannot be made the basis for determining the liability in a claim petition filed under the M.V. Act.

5. I have heard counsel for the parties and considered their respective submission, besides examining the documents placed on the record.

6. Undisputedly, accident was reported to the police and FIR bearing No.



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14 dated 02.02.2015, Ex.R-5, under Sections 304-A, 279 and 427 IPC was lodged at Police Station Dirba on statement of Basir Khan, nephew of the deceased. Upon completion of investigation, the Investigating Agency filed a challan, Ex.R-2. Appellant was charge-sheeted and he faced trial, which culminated in his acquittal vide judgment dated 21.05.2015, Ex.R-1, as both the witnesses produced by the prosecution did not support the case.

7. The legal question as to whether the judgment of acquittal by a criminal Court can bind the Tribunal, came up for consideration before the High Court of Himachal Pradesh in **Himachal Road Transport Corporation and another Versus Jarnail Singh and others, 2008 (20) RCR (Civil) 925**. It was held that acquittal of a driver in a criminal case will have no bearing on the finding recorded by the Tribunal as to whether the driver was negligent or not in causing the accident. Tribunal is to adjudge the case on the basis of the evidence adduced before it and not on the basis of the testimonies recorded before the criminal Court. A Division Bench of the High Court of Madras in **Tamil Nadu State Transport Corporation Versus P. Shanthi and others, Law Finder Doc ID # 922775**, after noticing the judicial precedents, came to the following conclusion:-

“19. Mere acquittal in a criminal case does not lead to an automatic inference that there was no negligence on the part of RW.1, driver of the bus. The standard of proof required is entirely different from the Criminal Court. In Motor Accident Claims Cases, preponderance of probability is the test to arrive at the conclusion regarding negligence.

20. In Vinobabai and others versus K.S.R.T.C. and another, reported in 1979 ACJ 282, the High Court of Karnataka held as follows:



8.Thus, the law is settled that when the driver is convicted in a regular trial before the Criminal Court, the fact that he is convicted becomes admissible in evidence in a civil proceeding and it becomes prima facie evidence that the driver was culpably negligent in causing the accident. The converse is not true; because the driver is acquitted in a criminal case arising out of the accident, it is not established even prima facie that the driver is not negligent, as a higher degree of culpability is required to bring home an offence.”

8. In view of the settled legal position, this Court is of the opinion that an acquittal in a criminal case does not lead to an automatic inference that there is no negligence on the part of the driver of the offending vehicle and the finding is not binding on the Tribunal. There is no force in the first argument raised by counsel for the appellant, which is rejected.

9. Coming to the second argument, although it has been stressed that the appellant was not the owner of the vehicle on the date of the accident, but the pleadings and the testimony of the appellant is to the contrary. In paras 14 and 15 of the claim petition, respondents No.1 and 2 have specifically averred that motorcycle bearing No. PB-65G-6821 belongs to the appellant and he was driving it on the date of the accident. In his reply to the corresponding paras of the claim petition, appellant has admitted that the offending motorcycle belongs to him and he was driving it. During his cross-examination, appellant has specifically stated “*it is correct that I was the owner of motorcycle bearing registration No.PB-65-G-6821 in the month of January and February, 2015.*” Appellant has admitted that “*I had purchased motorcycle PB-65-G-6821 about one month back from 01.02.2015 from the agency but it was second hand motorcycle.*” Mere transfer of ownership of the vehicle to his name after the

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accident does not absolve him of the liability. In view of the clear cut admission of the appellant, Tribunal has rightly held the appellant liable to pay the compensation. The judgment in *Naveen Kumar's case (supra)* relied upon by counsel for the appellant, is not applicable to the facts of the present case in view of the admission of the appellant. The second argument raised by the counsel for the appellant also lacks force. No other argument has been addressed.

10. Appeal being devoid of merit is dismissed with no order as to cost.

11. Pending applications stand disposed off.

(SUVIR SEHGAL)
JUDGE

22.05.2025

Kamal

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| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable | Yes/No |