

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

Date of Institution: 03.12.2025 **Date of Order 06.12.2025**

In the case of:

UT of J&K through
Traffic Police, Srinagar

Through APP. Ms. Chasfeeda Shafi

Versus

Ms. A (Minor)

(Violator)

Mushtaq Ahmad Buch
S/o Ghulam Mohammad Buch
R/o Shesgari Mohalla A/P Ahmad Nagar,
Srinagar.

(Accused)

Through Advocate S. Tariq

CORAM:- SHABIR AHMAD MALIK

UID No.:- JK00247

J U D G M E N T

1. The instant Challan came up for hearing today. Accused along with his counsel Mr. Tariq Ahmad present. Ms. Chasfeeda Shafi Assistant Public Prosecutor for UT Present. Perusal of the Challan reveals that the instant Challan has been produced against the accused foroffences under section 199-A of M.V Act 1988. It has been also mentioned in the Challan that the violator is a Minor and the instant Challan has been issued against accused who is the guardian of the Minor-Violator.
2. Since the violator is a minor, as such the Challan has been issued against the accused who is the guardian of the violator and is also the owner of the vehicle.



3. It is apt to mention here that according to the Section 199-A Motor Vehicle Act 1988, when the offence under the Act is committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty and shall be liable to be proceeded against and punished accordingly.

It shall be profitable to reproduce Section 199-A of Motor Vehicle Act.

Section 199-A. Offences by juveniles.-(1) *Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:*

Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.- *For the purposes of this section, the Court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.*

(2) In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees.

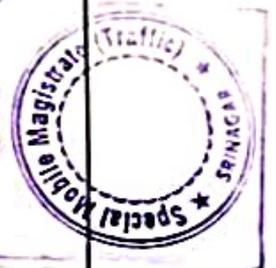
(3) The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's license under section 8 or a driving license and was operating a motor vehicle which such juvenile was licensed to operate.



(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.

(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding Section 4 or Section 7, such juvenile shall not be eligible to be granted a driving license under Section 9 or a learner's license under Section 8 until such juvenile has attained the age of twenty-five years.

(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000 (56 of 2000).]



From the perusal of Section 199-A (supra), it transpires that where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly, it has been further provided that, In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees, besides the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months and such juvenile shall not be eligible to be granted a driving license under Section 9 or a learner's license under Section 8 until such juvenile has attained the age of twenty-five years.

4. Since Section 199-A makes the guardian of the juvenile or the owner of the motor vehicle liable, as such the Challan has been issued against the guardian of the

minor-violator and he was directed to appear before the court, accordingly the guardian/accused along with his counsel appeared before this court and his statement has been recorded. The accused pleaded guilty and did not claim trial. The statement of the accused has been reduced into writing and is made part of the record. On consideration of the statement of accused, nature of offence and satisfaction of this Court as to the voluntariness of plea of guilty of accused person. It is evident that the accused does not want to avail the opportunity to defend himself against the offence mentioned above, despite sufficient opportunity.

Since, the accused has pleaded guilty and does not want to avail the opportunity to defend himself, as such there is no need to proceed further with the trial.

5. Therefore, keeping in view the above mentioned facts and circumstances and the statement of the accused person wherein he pleaded guilty, the accused person is accordingly convicted for the commission of offence under Section 199A of Motor Vehicles Act 1988. Therefore, under **Section 199-A** I propose to **sentence the accused to Three (3) Years simple imprisonment and Rupees Twenty Five Thousand (Rs. 25,000/-) as fine.** **Further the registration of vehicle bearing registration number JK01AL-3276 shall be cancelled for a period of twelve months.**
6. Since the offence does not involve any moral turpitude and the violator has not been previously convicted and having regard to his age and antecedents the purpose of justice shall be served if the case is considered under Probation of Offenders Act, and accused is given benefit of probation. Therefore, considering the above mentioned facts and circumstances the accused is directed to execute a bond to the tune of rupees Two Lakhs



(2,00,000) for keeping peace and good behavior for the period of Two (2) year and in violation of any conditions of bond during the period of these Two (2) year the accused shall receive the proposed sentence and the bond amount of rupees Two Lakhs shall be forfeited to the government.

The documents (if any) shall be released in favour of the rightful claimant.

7. This judgment shall not be read as a disqualification for any public or private employment or for the purpose of verification including verification of the passport or any other document.
8. Before parting, I would like to place on record that in last five years (2020 to 2024) the total number of deaths due to road accidents in India is approximately 810,913. (2020: 1,38,383, 2021: 1,53,972, 2022: 1,68,491, 2023: 1,72,890, 2024: 1,77,177). Precious lives are lost due to negligent driving / bypassing traffic rules in last 5 years approximately 810,913 deaths took place due to road accidents in India. These numbers are alarming and it's high time that people take traffic laws very seriously. We as a society must realize that all these lives can be saved if traffic rules are followed.

We must understand how vital traffic rules truly are. The simple things wearing a seat belt, wearing a helmet or proper headgear, keeping the mobile phone aside while driving, these are not formalities but basic habits that can save lives. This sense of responsibility should come from within us, not only when a police officer is around to remind us.

9. Coming back to the violation by a juvenile, underage driving is one of the major causes of traffic accidents/snarl and causes danger to other motorists and pedestrians on the roads. Minors are often found driving bikes, Scooties, Cars etc.



10. It is important to realize that Parents/guardians or owners of vehicles are responsible for providing vehicles to their minor children. It is observed many times these minors are driving vehicle, riding bikes in and around schools or crowded places resulting accidents / loss of lives. It is the first and foremost duty of parents not to provide their minor children any vehicle unless they attain majority and have license to drive the vehicle. It is also the duty of Principals/Teachers not to allow the minor students to drive the vehicles and impart education regarding these issues, as by allowing minor to drive we are only producing violators and victims and not responsible citizens.



11. Considering what has been discussed above I deem it proper to communicate a copy of this judgment to the Commissioner Secretary School Education U.T of J&K, with a request to circulate it in all the schools (government or private) and direct them to educate the students as well as their parents/guardians regarding these issues. I would also request the Commissioner secretary School Education to issue directives to all the schools and frame some policy like "No Vehicle policy for Minors" in education institutes. So as to contribute to this noble cause that may save many lives.

12. Further, I deem it proper to direct IGP Traffic J&K to conduct a special drives against these minors (Violators).

13. The Challan is accordingly disposed of and shall be consigned to records after its due completion.

Announced
06-12-2025

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

06/12/25 :- Copy of order is forwarded to SSP Traffic Srinagar for information & strict compliance.

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

06/12/2025