

that two of the witnesses not examined by him, compositors of the press, are prepared to give evidence of value against accused 4, 5 and 8. That evidence cannot be shut out by the arbitrary method of discharging the accused before these witnesses have been heard.

The discharge of accused 4, 5 and 8 therefore is not in accordance with law and is set aside. The case will be further enquired into and decided on the full evidence proffered by complainant, unless, for reasons to be recorded, the Magistrate refuses to examine any witnesses on the ground that his evidence, even, if taken, will not materially help the case of the complainant.

The further enquiry will be held by the present Sub-divisional Magistrate, Mayavaram.

B.C.S.

SHERIFF
SAHIB
v.
ABDUL
KARIM
SAHIB.

APPELLATE CRIMINAL.

Before Mr. Justice Jackson.

THE CROWN PROSECUTOR (APPELLANT),

v.

KHADIR MOHIDEEN (ACCUSED), RESPONDENT.*

1927,
August 26.

*Motor Vehicles Act, VIII of 1914, sec. 6—Contravention of—
Driver without licence—Liability of Owner—Owner not
aware of expiry of driver's licence—if can be pleaded.*

The owner of a motor vehicle must assure himself that the driver to whom he entrusts his vehicle for being driven is licensed to drive a motor vehicle, and cannot plead by way of defence to a prosecution for the contravention of section 6 of the Motor Vehicles Act that he was not aware that the licence of the driver had expired.

* Criminal Appeal No. 241 of 1927.

CROWN
PROSECUTOR
v.
KHADIE
MOHIDEEN.

APPEAL under section 417 of the Code of Criminal Procedure, 1898, against the acquittal of the accused by the Chief Presidency Magistrate, Madras, in Calendar Case No. 24824 of 1926 on his file.

Crown Prosecutor for appellant.

V. Viswanatha Sastri for respondent.

JUDGMENT.

Appeal against the acquittal of a motor-bus owner for allowing his driver to drive his omnibus without a licence in contravention of section 6 of Act VIII of 1914.

The licence had expired and the accused pleaded that the expiry was without his knowledge. A man cannot entrust his car to another person and plead that he presumed that he was licensed. He must assure himself that he is licensed.

The acquittal is accordingly set aside. Accused is found guilty of allowing his motor vehicle to be driven by a person without a licence as proved by P.Ws. 1 and 2 and is fined Rs. 5 (Rupees five), in default one week's simple imprisonment—sections 6 and 16 of Act VIII of 1914.

B.C.S.