

1954

Present : Swan J.

P. K. M. PODI APPUHAMY, Appellant, and H. A. PERERA
(Inspector of Police), Respondent

S. C. 1,419—M. C. Negombo, 3,635

Motor Traffic Act, No. 14 of 1951—Section 239, Regulation 17—Stop light—Not a basic requirement of every motor vehicle.

Regulation 17 of the Regulations framed under section 239 of the Motor Traffic Act does not lay down that every motor vehicle should have a stop light.

APPPEAL from a judgment of the Magistrate's Court, Negombo.

M. L. S. Jayasekera, for the accused appellant.

A. E. Keuneman, Crown Counsel, for the Attorney-General.

Cur. adv. vult.

January 21, 1954. SWAN J.—

The appellant in this case was charged with having on 21.8.53 driven lorry CL 3425 on a public highway without a stop light fitted to the rear of the vehicle. Admittedly the lorry did not have a stop light. It was contended on behalf of the prosecution that regulation 17 of the Regulations framed under section 239 of the Motor Traffic Act, No. 14 of 1951, required every motor vehicle to be fitted with a stop light. In the lower Court as well as in this Court the contention of the defence was that rule 17 does not lay down that every motor vehicle should have a stop light. Regulation 17 reads as follows :—

“Every stop light fitted to a motor vehicle must be placed at the rear of the vehicle and not to the left of the centre thereof and when in operation must show a red or amber light. A duplicate stop light may also be fitted to the left or near side so that it comes into operation at the same time as the other stop light.”

The learned Magistrate looking at regulation 18 appears to have taken the view that a stop light is a basic requirement of every motor vehicle. With that view I cannot agree. Mr. Jayasekera appearing for the appellant pointed out the different wording of regulations 9 and 10 on the one hand and of regulation 17 on the other. Learned Crown Counsel however, referred me to regulation 5 which puts the matter beyond all doubt. Regulation 5 (1) states that every motor vehicle must be constructed so as to be steered from the right or off-side. There is a proviso giving the Commissioner the right to issue a special permit

authorising the use of a motor vehicle that has its steering column on the left or near-side. Sub-section 2, however, prohibits the issue of a special permit unless certain conditions are fulfilled, and one of these conditions is the requirement of "a mechanical or illuminated device capable of giving distinct and intelligible signals required by section 155 of the Act and of clearly indicating any intention to stop the motor vehicle".

I set aside the conviction and acquit the accused.

Appeal allowed.

