

Sadhu Singh v. The Punjab Roadways, etc. (Mahajan, J.)

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carry them out, the Government validly imposed the house-tax by means of the notification dated 10th April, 1956, under section 62-A (3).

It may be mentioned that both the grounds raised by the learned counsel for the appellants during the course of the arguments, were not taken in the grounds of appeal filed in this Court. Since the point was one of pure law, I permitted him to argue the same.

In view of what I have said above, this appeal fails and is dismissed. In the circumstances of this case, however, I leave the parties to bear their own costs throughout.

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B.R.T.

APPELLATE CIVIL

*Before Daya Krishan Mahajan, J.*

SADHU SINGH,—*Appellant*

*versus*

THE PUNJAB ROADWAYS AND ANOTHER,—*Respondents*

F. A. O. 68 of 1963

September 27, 1967

*Evidence Act (I of 1872)—Ss. 13 and 40—Motor Vehicles Act (IV of 1939)—S. 110—Motor Accidents Claims Tribunal—Whether bound by judgment of criminal court.*

*Held*, that the judgment of the criminal court is binding on the statutory Tribunals like the Motor Accidents Claims Tribunal, constituted under Motor Vehicles Act, 1939.

*First Appeal from the order of Shri G. S. Gyani, Motor Accidents Claims Tribunal, Punjab, Chandigarh, dated the 5th February, 1963 (Under the Motor Vehicles Act, 1939), dismissing the claim applications filed by the applicant.*

G. S. GREWAL AND P. S. MANN, ADVOCATES, for the Appellants.

GOPAL SINGH, ADVOCATE-GENERAL, Punjab, for the Respondent.

## JUDGMENT

MAHAJAN, J.—This appeal must succeed in view of the decision of the Madras High Court in *Jerome D'Silva v. The Regional Transport Authority, South Kanara and another* (1) and *P. Channappa v. Mysore Revenue Appellate Tribunal, Bangalore and others* (2). In both these cases it has been held that the judgment of the criminal Court is binding so far as statutory Tribunals are concerned. The Motor Accidents Claims Tribunal, constituted under the Motor Vehicles Act, is such a Tribunal and was so held by the learned Chief Justice in *Jerome D' Silva v. The Regional Transport Authority, South Kanara and another* (1). The Tribunal has given a complete go by to the judgment of the criminal Court where the driver of the offending vehicle was convicted and sentenced for the death of the petitioner's son.

In this view of the matter, I allow this appeal, set aside the order of the Claims Tribunal and remit the case to him to determine the amount of compensation payable to the petitioner. The cost will be costs in the cause.

R.N.M.

## FULL BENCH

*Before A. N. Grover, Harbans Singh and D. K. Mahajan, JJ.*

TIRLOCHAN SINGH,—*Petitioner*

*versus*

KARNAIL SINGH AND ANOTHER,—*Respondents*

Election Petition No. 33 of 1967

November 14, 1967

*Representation of the People Act (XLIII of 1951)—S. 123—Bribery—Person receiving the gratification—Whether an accomplice—Accomplice—Who is—Person present at a bargain of bribery but taking no part—Whether an*

(1) A.I.R. 1952 Madras 853.

(2) 1966 Cri.L.J. 265.