

1953

Present : Rose C.J.

T. T. PERERA, Appellant, and T. P. B. MEDAWELA (S. I. Police),
Respondent

S. C. 25—M. C. Avissawella, 5,951

Motor Traffic Act, No. 14 of 1951—Section 153—“Running board”.

In a prosecution for riding on a running board of a motor vehicle in contravention of section 158 of the Motor Traffic Act—

Held, that a running board which is inside a bus or car and does not project outside is not covered by the enactment.

¹ *Mossel Bay Divisional Council v. Oosthuizen (1933) C. P. D. 509.*

APPEAL from a judgment of the Magistrate's Court, Avissawella.

M. M. Kumarakulasingham, with *J. C. Thurairatnam*, for the accused appellant.

A. Mahendrarajah, Crown Counsel, for the Attorney-General.

October 1, 1953. ROSE C.J.—

This matter turns upon the interpretation of the phrase "running board" in section 158 of the Motor Traffic Act, No. 14 of 1951. The appellant in this case, who is a ticket inspector, was apparently admittedly standing on a platform, to use a neutral phrase, of a bus which is described as a Nelson bus. The appellant called no evidence on his behalf, but Mr. Medawela, the Sub-Inspector of Police, who was called for the prosecution, said in cross-examination that in regard to the bus in question the running board was not a projection outside the bus but was within the body of the bus. In the absence of any definition in the Ordinance of the phrase "running board", it seems to me that regard should be had to the purpose of the section which is to prevent persons from standing on the running board so as to endanger themselves. It seems to me therefore that a running board that projects from a bus or from a motor car or is outside a bus or a motor car would be covered by the section, but that a board which is inside the bus or the car and does not project outside would not be so covered.

Having regard to the evidence and to the admitted facts in the present case, I consider that the offence has not been proved. The appeal will therefore be allowed and the conviction quashed.

Appeal allowed.
