

ORDER

No. 36 /RPT

dated 17/06/2021

WHEREAS, it has been observed that several instances of two wheeler riders riding without helmet as well as carrying pillion riders without helmet have been reported and occurrences of such infringement of rules have increased manifold. In spite of several prosecutions in such cases being drawn up by the law enforcement agency, the apprehension and possibility of untoward incidents/ accidents arising out of riding two wheelers without helmet always remains. In order to ensure better road discipline and deter such violators of traffic laws, stringent actions need to be taken in accordance with law;

AND

WHEREAS, it is necessary that some checks should be put on such violators in the larger interest of safety of the citizens, immediate and stringent action need to be taken in accordance with law to have greater deterrence and for prevention of the same;

AND

WHEREAS, Section 144 of the Code of Criminal Procedure, 1973 (Act. 2 of 1974) empowers an Executive Magistrate to issue order in respect of cases of apprehended danger;

Now, therefore, I, **Soumen Mitra**, Commissioner of Police, Kolkata being an Executive Magistrate for the Metropolitan area of Kolkata as well as in the district of South 24 Parganas (within the limits of the suburbs of Kolkata falling under Kolkata police jurisdiction) as appointed and specially empowered by the State Govt. under the Notification No. 228- P.S. Cell/HR/O/3P-13/05(Pt.-II) dated 08/02/2021 read with the Notification No. 226-P.S. Cell/HR/O/3P-13/05(Pt.-II) dated 08.02.2021 and the Notification No. 229-P.S.Cell/HR/O/3P-13/05 (Pt.-II) dated 08.02.2021 read with the Notification No. 227-P.S.Cell/H.R./O/3P-13/05 (Pt.-II) dated 08.02.2021 to act under the sub-section (1) of Section 144 of the Code of Criminal Procedure, 1973 (Act 2 of 1974); do hereby order that a rule of **NO HELMET NO PETROL** shall be enforced within the jurisdiction of Kolkata Police to the effect that **no petrol pump within the jurisdiction of Kolkata Police shall henceforth sell petrol to any such two wheeler rider who arrives at the petrol pump riding a two wheeler without wearing helmet as well as carries pillion rider without helmet in contravention of the provisions as enumerated under sections 128, Motor Vehicles Act 1988 and 129, Motor Vehicles Act 1988 read with section 177, Motor Vehicles Act 1988.**

As the notice cannot be served individually upon all concerned, the order is hereby passed exparte under sub-section (2) of section 144 of the Code of the Criminal Procedure, 1973. It shall be published for information of public through Press, the Kolkata Police Gazette and by affixing copies on Notice Boards of the offices of the all Divisional Deputy Commissioners of Police, Deputy Commissioner of Police, Traffic Department, Kolkata, Deputy Commissioner of Police, Traffic (South), Kolkata, all the Police Stations and the Traffic Guards concerned and the offices of the Kolkata Municipal Corporation.

This order shall come into force with effect from **19.06.2021** and shall be in effect for a period of **60 (sixty) days** i.e. till **17.08.2021** or until further order.

Any person contravening this order shall be punishable under extant applicable laws.

Given under my hand and seal on this day of 17th June, 2021.


(SOUMEN MITRA)

Commissioner of Police, Kolkata

&

Executive Magistrate of the Metropolitan City of Kolkata and South 24 Parganas District (within the limits of the Suburbs of Kolkata falling under the jurisdiction of Kolkata Police)