

Puttu Lal Vs. Emperor

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Court : Allahabad

Decided On : May-26-1931

Reported in : AIR1931All629

Appellant : Puttu Lal

Respondent : Emperor

Judgement :

ORDER

Sulaiman, Ag. C.J.

1. This is a reference against an order convicting the accused under Section 64 (c), Excise Act (Act 4 of 1910), for having broken one of the conditions of his license.
2. When the Excise Inspector went to inspect his shop, he found it closed. When questioned later, the accused alleged that he had gone to a warehouse to bring four gallons of liquor which were entered in his register.
3. The learned Magistrate infers that it was not a case of temporary absence, but of the closing of the shop on account of picketing. He accordingly convicted the accused and sentenced him to pay a fine of Rs. 50.
4. The Sessions Judge has recommended that either the conviction be set aside or the fine be reduced to Rs. 5.

5. The fourth general condition in the license applicable to all licensees is in the following terms:

The hours for the opening and closing of the shops have been fixed as follows : It is necessary that shops should not be kept open at any other hour.

6. It is note-worthy that the condition does not say that the shop should not, on any account, be closed during these hours.

7. It seems to me that the object of this condition is to prevent the sale of liquor outside the fixed hours. This condition cannot be interpreted as meaning that at no time between these two limits the shop should be closed even temporarily. If that be the intention of the authorities, they ought to lay down the condition in more express terms.

8. In my opinion there was no breach of the condition in the license. I accordingly accept this reference and setting aside the conviction and sentence, acquit the accused and direct that the fine, if paid, be refunded.

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