

Sukru Vs. Emperor

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SooperKanoon Citation : sooperkanoon.com/466652

Court : Allahabad

Decided On : Apr-15-1918

Reported in : AIR1918All181(1); 46Ind.Cas.294

Judge : P.C. Banerji, J.

Appellant : Sukru

Respondent : Emperor

Judgement :

1. The accused in this case was convicted on his own plea of being in possession of illicit liquor and was sentenced under Section 60(a) of the Excise Act to one and a half months' rigorous imprisonment. The statement of the accused which the Magistrate apparently accepted was that his son was ill and that he had brought a small quantity of liquor from his brother-in-law. The Magistrate was of opinion, as he states in his explanation, that under Section 71 of the Act the presumption was that the accused had himself manufactured the liquor. No such presumption arises in the case. The only presumption is that the accused was in possession of an excisable article. This, however, the accused himself admitted. Under the circumstances the sentence of imprisonment was unduly severe and was not called for. I accordingly reduce the sentence to one of a fine of Rs. 10 or, in default, to one week's rigorous imprisonment. If the fine is paid the bail bond given by the accused will be discharged.

