SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Sri Ram Vs. Emperor

Sri Ram Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/472015

Court : Allahabad

Decided On : Aug-30-1934

Reported in : AIR1934All987; 153Ind.Cas.131

Judge : Sulaiman, C.J. and; Rachhpal Singh, J.

Appellant : Sri Ram

Respondent : Emperor

Judgement :

Sulaiman, C.J.

1. This case is considered to be a test case and has been referred to a Division Bench. The applicant is a merchant who has been selling bamboos, bailies, takhats and karies, that is, bamboos, rafters, wooden boards and beams, within the limits of Meerut Cantonment without any license. He was prosecuted and found guilty by a Magistrate under Section 268, Cantonments Act, for being a dealer in wood. He has however been let off with a mere admonition. The question is whether the trade and calling of the applicant brings him within the category of 'dealer in hay, straw, wood, charcoal or other inflammable material' mentioned in Clause (m), Section 210. The word 'wood' used therein is very general and is not qualified in any way. But the learned advocate for the applicant contends before us that the last expression 'or other inflammable material' implies only the particular kind of wood which happens to be inflammable, is prohibited. This would mean

that on some wet days a dealer in wood may not be offending against this provision and on some other days when the wood is dry he would be offending. In our opinion the proper interpretation of this category is that dealers in hay, straw wood and charcoal are not allowed to carry on their business without license because the legislature has presumed that they are inflammable materials and also dealers in other materials which are inflammable are equally prohibited. Even if a forced construction were to be put on this class it can hardly be contended that; bamboo is not inflammable wood. The application is accordingly dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com