

The Queen Vs. Rammayya

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Court : Chennai

Decided On : Feb-24-1882

Reported in : (1882)ILR5Mad131

Judge : Innes and ;Muttusami Ayyar, JJ.

Appellant : The Queen

Respondent : Rammayya

Judgement :

Innes and Muttusami Ayyar, JJ.

1. We are of opinion that Section 22(b) of the Abkari act must be read with Section 21(a). The latter section if it stood alone would no doubt raise a liability to fine in all cases in which a person was found in possession of a quantity of liquor larger than that allowed without a valid permit and would embrace the case of a licensed vendor whose license had expired and who still retained possession of spirituous liquor above the permitted quantity; but if this Section 22 were intended to apply to such cases the provision in Section 21 would not have been enacted, limiting, as it does, the liability of licensed vendors whose license has expired to the case in which they are found in possession of liquor kept for the purposes of sale.

2. This provision must, we think, be read as an exception to the general provision in Section 22.

3. We are of opinion, therefore, that the Second-class Magistrate's decision is sustainable and that there is no ground for our interference.

4. Ordered accordingly.

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