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The King Emperor Vs. Kanna

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SooperKanoon Citation : sooperkanoon.com/777459

Court : Chennai

Decided On : Apr-07-1908

Reported in : (1908)18MLJ329

Appellant : The King Emperor

Respondent : Kanna

Judgement :

1. The order of the Stationary 2nd Class Magistrate acquitting the accused cannot be supported. The accused was charged with exposing fish for sale so as to cause obstruction under Section 3(6) of the Town Nuisances Act.

2. The Magistrate has acquitted him, because the obstruction wan caused by people collecting in front of him for the purpose of buying his fish and was not caused by the fish that were being exposed. The evidence which was uncontradicted proved conclusively that owing to the accused's selling fish-on the road side near the market, numbers of people collected there and caused an obstruction. This is clearly an offence within the section and the accused should have been convicted.

3. The case referred to Venkatarama Chetty v. Emperor I.L.R. (1904) M. 17 has no application. The order of acquittal of the Stationary 2nd Class Magistrate is set aside, and we direct the Magistrate to retake the case on his file and dispose of it according to law.

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