

In Re: Vyapuri Kavandan

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Court : Chennai

Decided On : Mar-01-1939

Reported in : AIR1939Mad574; (1939)2MLJ109

Appellant : In Re: Vyapuri Kavandan

Judgement :

Lakshmana Rao, J.

1. The petitioner was a toddy renter before the introduction of Prohibition and he has been convicted under Section 4(1)(a) and (g) of the Madras Prohibition Act and sentenced to rigorous imprisonment for two months and a fine of Rs. 50 under each sub-clause. The evidence of P.W. 1 the Sub-Inspector shows that on his way to the house of the petitioner with a search warrant the petitioner emptied a pot of arrack into his well and on search M.O. 3 the pot containing fermented wash, M.O. 4 the bottle containing some drops of illicitly distilled arrack, M.O. 5 the basket of jaggery and M.O. 6 the pot containing velvelan bark and cocoanut flowers, were found in the house. P.W. 2 the search witness corroborates P.W. 1 and the denial of the petitioner is worthless. The conviction of the petitioner under Section 4, Clause (1)(a) and (g) is therefore correct but a distiller of arrack will necessarily possess the arrack and separate sentences are not called for. The sentence of the petitioner is therefore reduced to rigorous imprisonment for two months and a fine of Rs. 50 with rigorous imprisonment in default for one month and otherwise this petition is dismissed. The excess of fine if levied will be refunded.

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