

In Re: R. Ramachandran

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SooperKanoon Citation : sooperkanoon.com/781337

Court : Chennai

Decided On : Jan-25-1945

Reported in : AIR1945Mad377; (1945)1MLJ424

Appellant : In Re: R. Ramachandran

Judgement :

ORDER

Happell, J.

1. The petitioner has been convicted of an offence under Section 10 of the Coffee Stealing Prevention Act and has been sentenced to pay a fine of Rs.20 and to forfeit 17 measures of coffee. The petitioner was evidently charged with this offence because he was found carrying the coffee in the neighbourhood of an estate in the Nilgiris. He explained however that he had bought the coffee from a merchant in Mettupalayam and that he was taking it to Tanjore. Moreover, he produced a permit in respect of the coffee which had been given him by a Mettupalayam merchant. The Stationary Sub-Magistrate of Coonoor convicted the accused on the ground that he admitted the offence, his only defence being that he was not aware of the rules. The record shows that the petitioner did not admit the offence. What he said was :

I have got a pass for the purchase of the coffee from C.A. Khader Sahib Rowther and Co., Mettupalayam. I brought the same from Mettupalayam to Ooty and kept it

there and when I found time to go to Tanjore I took it with me. I did not get a pass from the Controller.

2. There was no need for the petitioner to have a pass from any Controller, and it is obvious that he did not understand in what the offence consisted. The learned Joint Magistrate of Coonoor on appeal accepted the petitioner's statement that he bought the coffee in Mettupalayam and that the permit which he produced was given to him by the vendor; but he was of opinion that the conviction had to be confirmed because the permit which was given to the petitioners and which he produced did not have been convicted. Section 10 of the Coffee Stealing Prevention Act states that

No person shall carry or remove coffee from any coffee estate... without the express permission of the owner or of his authorised agent.

3. The section then goes on to provide that the permission shall be in writing and that it shall contain certain particulars which are set out. If the owner has in fact, given his express permission and in the case it has been accepted that the owner; viz., the Mettupalayam merchant, did this, the person carrying the coffee cannot be convicted simply because the permit is not in the prescribed form. The person to blame for the fact that the permit is not in the prescribed form would appear to be the owner rather than the person to whom the permit has been given.

4. The petitioner in this case committed no offence, and his conviction and the sentence passed on him must be set aside. The fine, if paid, will be refunded and the coffee forfeited will be returned to him.