

In Re: Kuppammal and ors.

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Court : Chennai

Decided On : Sep-28-1921

Reported in : (1921)41MLJ562

Appellant : In Re: Kuppammal and ors.

Judgement :

ORDER

Kumaraswamy Sastri, J.

1. I think Clause XI of Section 71 of the City Police Act covers a, case of obstructing a thoroughfare in any manner and is not limited to obstruction caused by vehicles and animals. There is no reason to suppose that the legislature intended to permit all other kinds of obstruction and punish only obstructions by vehicles or animals. There is a semi-colon before the sentence 'or in any way wilfully obstructs etc.' In the case of obstruction by vehicles and animals there is no question of intention, the act and obstruction caused by the act are sufficient. In other cases intention is necessary to be proved in addition to the obstruction. These are questions of fact to be determined by. the Magistrate. The fact that Act III of. 1889 contains Clause 6 to Section 3 which deals with exposing goods for sale so as to cause obstruction which follows Clause 5 which is similar in terms to clause XI of the City Police Act affords no guide to the interpretation of the City Police Act. Probably the legislature intended to place the matter beyond all doubt.

2. I am of opinion that the accused will be guilty of an offence under clause XI of Section 71 of the City Police Act if the requisite intention and the fact of obstruction are proved.

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