

The Queen Vs. Thunji and ors.

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Court : Chennai

Decided On : Oct-22-1883

Reported in : (1883)ILR7Mad163

Judge : Charles A. Turner, Kt., C.J. and ;Muttusami Ayyar, J.

Appellant : The Queen

Respondent : Thunji and ors.

Judgement :

1. The accused were severally charged under Act I of 1882, Section 26, with possessing salt earth knowing it to be contraband. They admitted the possession of a substance which the witness described as saltish earth and the Magistrate finds not to have been a saline efflorescence or deposit, but earth impregnated with salt.

2. The accused stated they had collected this substance to bleach cloths, and the Magistrate considered their statements to be true and found they had no intention of manufacturing salt. He, therefore, acquitted them. The section on which the charge was framed prescribes a penalty, inter alia, for the manufacture of contraband salt and for the possession of such salt. The term 'manufacture' is defined in Section 2 as including collection, and the term 'salt' as including 'salt earth,' meaning thereby natural saline deposits and efflorescence, and earth salt, that is, salt made from 'salt earth' or 'from any earth naturally impregnated with

salt.' The Act, it will be seen, distinguishes between natural saline deposits and efflorescence and earth impregnated with salt, and it confines the term 'earth salt,' which it includes under the term salt, to the former.

3. The accused could not then be convicted under the Act either of the manufacture or possession of contraband salt. The Court will not disturb the Magistrate's orders.

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