

In Re: Marutha Pillai

In Re: Marutha Pillai

SooperKanoon Citation : sooperkanoon.com/792243

Court : Chennai

Decided On : Jul-30-1915

Reported in : AIR1916Mad1226(1); 30Ind.Cas.158

Judge : Seshagiri Aiyar, J.

Appellant : In Re: Marutha Pillai

Judgement :

ORDER

Seshagiri Aiyar, J.

1. I am unable to uphold the conviction in this case. It is common ground that a depot-keeper like the accused is allowed to have arrack of U.P. 32 degrees. When the cask was examined on the 16th January 1914, the arrack in it was of the strength of U.P., 32'5. The question for decision is whether this weakening in the strength of the arrack to the extent of five pints is due to dilution. Exhibit A, the license in the case, shows that it is possible that arrack may lose strength to the extent of one degree from natural causes. Further, when the Assistant Commissioner sealed the cask on the 28th April 1914, he found the arrack to be U. P. 314. When the cask was produced in Court and examined on the 23rd July it was found to be 318. There is no suggestion that the seals were tampered with between these two dates. It has also to be remembered that there had been heavy sales before the date of the offence. It is more likely that the difference of live pints

was due to constant exposure on account of the frequent sales. I think the accused is at least entitled to the benefit of the doubt arising in this case.

2. The conviction against him is reversed, the fine, if already paid, will be refunded. The cash will be returned to the accused; if it has been sold, its price should be paid to him.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com