

In Re: Arunachala Mudali and ors.

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Court : Chennai

Decided On : Sep-04-1940

Reported in : AIR1941Mad99(2); (1940)2MLJ819

Appellant : In Re: Arunachala Mudali and ors.

Judgement :

ORDER

Lakshmana Rao, J.

1. The first petitioner obtained a licence from the District Superintendent of Police under Section 30, Clause (2) of the Indian Police Act for taking a procession, and one of the conditions of the licence was that music of all description should be stopped within a distance of 50 yards on either side of any mosque. This condition was violated by petitioners 2 to 11 and the first petitioner the licensee would unquestionably be guilty under Section 32 of the Indian Police Act. The real question is whether the other petitioners would also be guilty under that section and as urged by the Public Prosecutor Section 32 provides that every person violating the condition of any licence granted by the District Superintendent of Police for the use of music shall be liable to a fine. The person violating the condition need not be the licensee, and the finding is that petitioners 2 to 11 were aware of the conditions of the licence. They too would therefore be guilty under Section 32 of the Indian Police Act and there is no ground for interference with the conviction. But the fines are excessive and they are reduced to Rs. 100 in the

case of the first petitioner and Rs. 25 each in the case of the others. Otherwise this petition is dismissed.

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