

**In Re: Chillara Seshamma**

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**SooperKanoon Citation :** [sooperkanoon.com/799262](http://sooperkanoon.com/799262)

**Court :** Chennai

**Decided On :** Aug-05-1941

**Reported in :** AIR1942Mad293; (1942)1MLJ34

**Appellant :** In Re: Chillara Seshamma

**Judgement :**

ORDER

**Horwill, J.**

1. The petitioner has been convicted for not taking out a licence for a coffee house and that conviction has been upheld on appeal. She has been fined Rs. 5 and been ordered to pay the licence fee of Rs. 6.

2. This revision case was admitted by my learned brother Lakshmana Rao because at the time when this petition came up for admission he was shown a Short Notes Report of a decision by Coutts Trotter, C.J., and Srinivasa Aiyangar, J. in Crl.R.C. No. 556 of 1926 reported at page 96, Short Notes of 51 M.L.J. I called for the judgment in question. It is a very short one and it is not very clear from the judgment why it was held that the petitioner in that case was not conducting a coffee Hotel. However, in Crl.R.C. No. 557 of 1926, which was heard with it and in which the facts were very similar, it was held that there was no ground for holding that the Magistrate was wrong in coming to the conclusion that the petitioner in that case did keep a coffee house. The distinction would seem to

lie in the formality or informality under which the coffee or tea was sold. It must be a question of fact to be decided in each case whether the circumstances under which the coffee is sold will indicate that the place of sale was a coffee house or not. A person may, for example, sell cups of coffee from a pial having no seating accommodation under circumstances which may indicate that the pial could not be called a coffee house. In the present case, it is not denied that all the usual paraphernalia of a coffee house was found in the petitioner's bunding. There was considerable accommodation and regular meals were served.

3. It has been argued, rather as an afterthought I think, that since the petitioner was licensed to use the same building as what is described as a meals hotel, she must be entitled to sell coffee also without a further licence. The learned Public Prosecutor thinks that if coffee were served with full meals she might not require a licence, but that if she sells coffee with lighter refreshments, then she would require a licence. It is rather difficult to draw a distinction of this kind; but as the matter comes here only in revision, I do not think it necessary for me to express any opinion on this question which was not raised in the lower Court I am not prepared to interfere on that ground.

4. The petition is accordingly dismissed.