

**In Re: P. Kuttiali and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/800708](http://sooperkanoon.com/800708)

**Court :** Chennai

**Decided On :** Feb-08-1946

**Reported in :** AIR1946Mad480

**Appellant :** In Re: P. Kuttiali and anr.

**Judgement :**

ORDER

**Kuppuswami Aiyar, J.**

1. The petitioners have been convicted by the joint Magistrate of Tellicherry and sentenced to pay a fine of Rs. 1000 on each count in respect of purchases made by them of paddy and rice, in contravention of Clause 7, Madras Rationing Order. Both the Courts have found that they did purchase and that they committed the offence. What is urged before me is that the expression 'rationed article' must be understood with reference to the use to which the article was to be put and not with reference to the place of the transaction in respect of the articles. The persons who are said to have purchased the articles are persons living outside the ration area, but the transaction took place within the rationed area. The object of the order is to prevent the violation of the rationing orders. The scheme of the order clearly indicates that it was intended to prevent unrestricted purchases and sales in the ration area. Therefore, purchases and sales in the rationed area were intended to be covered. This is a transaction of sale and purchase made in the rationed area. The question whether the article is a 'rationed article' or not is to be

determined with reference to the nature of the article and not with reference to the area in which it is to be used or consumed. I do not therefore think that I will be justified in accepting the contention of the petitioners that these are not 'rationed articles' that were purchased. They were 'rationed articles' that were purchased and they were purchased in a rationed area, and the petitioners were therefore rightly convicted. The petitioner's plea was that they never committed the offence and they never purchased the articles. Both the courts have believed the evidence of the cartmen and I do not think I will be justified in interfering with the appreciation or the evidence of two Courts.

2. With regard to the sentence, the Magistrate has stated that an exemplary punishment has to be given because the quantity of the articles purchased indicated that they were intended for use on the black market. The petitioners are residents of Kallai and it is not the prosecution case that they are trading in a rationed area. Therefore, from the quantity purchased, no inference could be drawn that they intended to trade in black market. The reason given for exemplary punishment therefore fails. I therefore reduce the sentence to a fine of Rs. 100 in respect of each count, taking into consideration the fact that these persons, being outside the rationed area, could have bona fide thought that they could make these purchases because the articles were intended for sale outside the rationed area and that no offence with regard to rationing was likely to be committed by such purchases.