

In Re: P. Chinaramiah

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SooperKanoon Citation : sooperkanoon.com/803244

Court : Chennai

Decided On : Sep-24-1943

Reported in : AIR1944Mad438

Appellant : In Re: P. Chinaramiah

Judgement :

ORDER

Kuppuswami Ayyar, J.

1. The petitioner has been convicted for an offence punishable under Section 17, Madras Commercial Crops Markets Act, 20 of 1933, and has been sentenced to pay a fine of Rs. 500. The case against him was that he did not take out a licence as required under Section 4 (1) of that Act in respect of a place used by him for storing, pressing and processing of tobacco at Inkollu. It is clear from the evidence of P. Ws. 1 and 2 that the petitioner had such a place at Inkollu and that tobacco was being pressed there. What is stated by the petitioner is that under the explanation to Section 4 (1), he need not take out a licence if the tobacco was his own and therefore, in the absence of any definite evidence to show that the tobacco was not his own, he ought not to have been convicted.

2. It is true that there is no positive and direct evidence to show that the tobacco that was found in that factory, when P. Ws. 1 and 2 inspected was not the tobacco grown on the land of the petitioner. But then from a number of circumstances an

inference was sought to be drawn against him. There is the fact that though the notice of demand was sent as early as July 1941, he did not send a reply till January 1942. It is also in evidence that he had made purchases of tobacco in previous years, and even in his own statement he stated that he had made some purchases in that year also. Further, if the tobacco that was there was the tobacco of the petitioner, he could have very easily proved it. But he has not let in any evidence to that effect. From all these circumstances an adverse inference was drawn against him and he was convicted. I do not think I will be justified in questioning the propriety of that inference. Apart from this, under the explanation to Section 4 (1), it is only for a place used for the purchase and sale of a commercial crop no license was necessary if the crop sold was one grown by the individual himself. Under Section 4 (1), if any place was used for the purchase, sale, storage, weighing, pressing or processing of the crop, a license will have to be obtained. The evidence of P.W. 1 was that in a factory at Inkollu what was done was the pressing and processing of tobacco. But the explanation does not cover processing and therefore it cannot be said that the conviction is incorrect.

3. With regard to the sentence, it is true that the maximum has been awarded. But then the punishment has necessarily to be fixed with reference to the status of the accused. The petitioner who was a richman with a big trade of his own, ought to have known better and I therefore see no reason to interfere. The petition is dismissed.