

In Re: Singara Babu Alias Babu

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SooperKanoon Citation : sooperkanoon.com/803334

Court : Chennai

Decided On : Sep-09-1943

Reported in : AIR1944Mad445

Appellant : In Re: Singara Babu Alias Babu

Judgement :

ORDER

Kuppuswami Ayyar, J.

1. The petitioner has been convicted for an offence punishable under Section 448, Penal Code and sentenced to pay a fine of Rs. 30. The evidence disclosed that he entered into the shop of P.W. 1 for the purpose of seizing the measures of the trader P.W. 1 because he suspected that he was having false measures. It cannot therefore be said that when he entered the shop he entered there with intent to commit any offence. If a person suspects that a trader, of whom he is a customer, is having false measures he is entitled to get in and see whether he has Correct measures or not and that is all that the petitioner is said to have done. It would not therefore amount to criminal trespass.

2. The conviction and sentence are set aside and the petitioner is acquitted. The fine if already collected will be refunded.