

In Re: Challur Seshayya

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Court : Chennai

Decided On : Aug-02-1944

Reported in : AIR1945Mad8

Appellant : In Re: Challur Seshayya

Judgement :

ORDER

Byers, J.

1. The only question which has been raised on behalf of the petitioner is that there is no evidence of his guilty knowledge or fraudulent intention so as to render his possession of the false weights punishable Under Section 266, Penal Code. When his shop was visited by a police officer, the weights for half a seer and quarter of a seer were tested and found deficient by $\frac{1}{2}$ tola and $\frac{1}{3}$ tola respectively. These deficiencies are approximately $4\frac{1}{4}$ per cent, and $5\frac{1}{2}$ per cent. The petitioner's learned advocate relies on the decision in Abdul Latifi v. Emperor : AIR1943 Mad589 but with all respect to the learned Judge, I consider that the only way in which know-edge and fraudulent intention can be proved n such a case is by the possession and the use of the false weights concerned. It is not the petitioner's case that the weights were very old ones which he had neglected to verify, or that they were new ones which he had accepted as correct; they were weights which he had kept in his shop for the purposes of his trade and was regularly using, and on these facts the only reasonable inference is that he knew they were deficient

and was using them fraudulently. It is said that the deficiency is small, but it is obvious that he could have an additional profit of between 4 per cent, and 5 per cent, every time he turned over his stock. There is no necessity for any interference and the revision petition is dismissed.

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