

**In Re: Manickammal**

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**SooperKanoon Citation :** [sooperkanoon.com/806875](http://sooperkanoon.com/806875)

**Court :** Chennai

**Decided On :** Jun-24-1966

**Reported in :** (1966)2MLJ374

**Appellant :** In Re: Manickammal

**Judgement :**

ORDER

M. Anantanarayanan, O.C.J.

1. I think that this revision will have to be clearly allowed, because the facts of the record, taking them as fully established, do not warrant the inference that the revision petitioner is guilty under Section 7(d) read with Section 10(a) of the Madras Prohibition Act read with G.O. Ms. No. 3031, Home, dated 1st November, 1958.

2. We may take it that there was a raid by the Police in the house of Chellammal, the daughter of the revision petitioner, on the occasion in question, and that the Police recovered two gunny bags (M.Os. 1 and 2) containing bottles of Tincture Zingiberis Mitis. There were a large number of bottles, and another khaki bag contained eight 3 oz. bottles with Tincture Zingiberis Mitis. Indisputably, if the revision petitioner possessed these bottles, consciously or with knowledge, she would be liable to be punished under the provisions of law above set forth.

3. But this is precisely what is not warranted by the bare facts of the record. There is not even evidence that the revision petitioner is a permanent resident of this particular house, but I shall assume it. But, even so, her daughter and son-in-law are residing there, and it is very probable that the son-in-law, who is a male member of the household, had stored these bottles in the gunny bags. It may be that the revision petitioner had also knowledge of the concealment of this contraband, but the mere fact of her physical presence at the time of search, proves nothing whatever. The daughter and son-in-law would appear to have been charge-sheeted, but they were acquitted, and their cases do not concern me. On the bare facts that (1) a person is a member of the household, and (2) that person was present when the contraband was seized by the Police, it is impossible to base any inference that that person had exclusive possession, and knowledge of possession of the contraband. It is further impossible to assume that, that person was in joint possession, as the possession might have been on the part of one of the other members of the household, and the person may be quite innocent. I give the benefit of these doubts to the revision petitioner, and direct her acquittal. The fine amount of Rs. 200, if paid, will be refunded to her.