

Muhammad Mustapa Rowther Vs. State

Muhammad Mustapa Rowther Vs. State

SooperKanoon Citation : sooperkanoon.com/808151

Court : Chennai

Decided On : Feb-22-1951

Reported in : (1951)1MLJ576

Appellant : Muhammad Mustapa Rowther

Respondent : State

Judgement :

ORDER

Panchapakesa Ayyar, J.

1. Mr. Gopalaswami, for the petitioner, urged that there was no proper proof that the denatured spirit had been rendered or attempted to be rendered fit for human consumption and so Section 5 would not apply. The learned Public Prosecutor rightly urged that as the certificate of the analyst showed that the denatured spirit seized from the possession of the Petitioner contained sugar and lemon juice and that an attempt had been made to renature it, the offence was proved. It is obvious that sugar and lemon juice do not develop by themselves in denatured spirits and that some one must have put them in and that the petitioner who was in exclusive possession of the denatured spirits must have been that one. To 're-nature' means to restore to its original nature, that is the nature of spirits fit for human consumption, as against 'denature' which means to render spirits fit for human consumption unfit for such consumption. Sugar and lime juice are such well known

articles of human consumption that they must have been put into this denatured spirit by this petitioner only in an attempt to renature the denatured spirit and make it fit for human consumption. That is why the petitioner denied putting them in and suggested that some unknown person might have put them in after seizure. We need not bother about the vexed question whether the denatured spirits became fit for human consumption by the addition of sugar and lime juice, as an attempt to render them fit for human consumption will do, however, unsuccessful, for a conviction under Section 5, just as an attempt at pick pocketing will stand though the pocket attempted to be picked was empty and the attempt was therefore futile.

2. In the end I confirm the petitioner's conviction, but reduce the sentence in the peculiar circumstances to a fine of Rs. 25 (twenty-five) or in default rigorous imprisonment for a week. The excess fine if paid will be refunded.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com