

In Re: V. Natarajan

In Re: V. Natarajan

SooperKanoon Citation : sooperkanoon.com/812958

Court : Chennai

Decided On : Mar-02-1962

Reported in : (1962)2MLJ507

Appellant : In Re: V. Natarajan

Judgement :

ORDER

Sadasivam, J.

1. Petitioner has been convicted under Section 75 of the City Police Act and sentenced to pay a fine of Rs. 20 (Rs. twenty) in default to rigorous imprisonment for one week.
2. The charge-sheet against the petitioner is that he entered into a barber's saloon, took out his slipper and gave a hit on the head of one V. Natarajan (P.W. 1) used vulgar words, abused him, created disturbance and caused annoyance to the public. There is evidence in the case that part of the disorderly behaviour took place even on the road.
3. The only point argued in the case is that barber's saloon is not a public place. It is clear from the definition in Section 3 of the City Police Act that a place to which public are granted access is a public places In Mangu Bhai v. Emperor A.I.R. 1930 Bom. 369 a hotel has been held to be a public place. The barber's saloon in this case is one kept under licence granted by the Corporation of Madras under

Section 287 of the Madras City Municipal Act and it is open to every member of the public. Under the licence the keeper of the saloon is bound to exclude only persons suffering from any visible skin disease, open sore or loathsome or dangerous disease. Such a prohibition applies even in the case of hotels. Every member of the public is entitled to enter into a public hair cutting saloon for a shave or a hair cut and the saloon-keeper cannot refuse admission to him or push him out except on pain of being sued or prosecuted for assault. There can, therefore, be no doubt that the barber's saloon is a ' public place as defined in Section 3 of the Madras City Police Act. The conviction of the petitioner under Section 75 of the City Police Act is correct and there is no ground to interfere with the conviction or the sentence. The Criminal Revision Case is dismissed.

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