

In Re: P. Venkatachallam Chetti

In Re: P. Venkatachallam Chetti

SooperKanoon Citation : sooperkanoon.com/818228

Court : Chennai

Decided On : Sep-07-1914

Reported in : 25Ind.Cas.995

Judge : Ayling and ;Hannay, JJ.

Appellant : In Re: P. Venkatachallam Chetti

Judgement :

1. The petitioner has been convicted of an offence under Section 9 of the Opium Act for possessing one seer of opium in contravention of the Opium Rules. The possession of the opium is admitted: in fact the petitioner himself took it to the Tahsildar's house at Nellore and produced it. It is further proved, and not denied, that a license, Exhibit A, had been issued authorizing him to transport this identical opium from Nellore to his (petitioner's) shop at Allur. The petitioner's story of how Exhibit A got out of his possession may or may not be true and there may be ground for suspecting that he contemplated a breach of the Opium Rules, as surmised by the lower Courts. But it cannot be said that up to the time he handed the drug over to the Tahsildar, he had contravened any rule.

2. The conviction must be set aside and the fine, if paid, refunded. We also set aside the order of confiscation of the opium.