

**In Re: Annamalai**

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**SooperKanoon Citation :** [sooperkanoon.com/820670](http://sooperkanoon.com/820670)

**Court :** Chennai

**Decided On :** Dec-06-1967

**Reported in :** (1969)1MLJ387

**Appellant :** In Re: Annamalai

**Judgement :**

**A. Alagiriswami, J.**

1. The petitioner has been convicted by the Special First Class Magistrate, Shevapet, under Section 75 of the Madras City Police Act, for having been guilty of indecent behaviour in a public place, that is a tea-shop and sentenced to pay a fine of Rs. 10. The only point argued is that a tea-shop cannot be said to be a public place. ' Public place ' is defined in Section 3 of the Act as meaning a place including a road, street or way, whether a throughfare or not, and a landing place to which the public are granted access or have a right to resort or over which they have a right to pass. In *Mangubhai v. Emperor* A.I.R. 1930 Bom. 369, a hotel has been held to be a place-to which the public are permitted to have access. In the *Crown Prosecutor v. Moonoswamy* I.L.R. (1910) Mad. 83, an arrack-shop has been held to be a public place within the meaning of Section 75. In *Natarajan v. State* (1963) M.W.N.172, a barber's saloon has been held to be a public place, as defined in Section 3 of the City Police Act. There is no doubt that a tea shop is a place to which the public can have access and they have a right to resort to a tea-shop and the keeper of the tea-shop cannot exclude any person who comes-to his

hotel to be served refreshments. It is, therefore, quite clear that the tea-shop in this case would be a public place and consequently it should be held that the petitioner has been rightly convicted for having behaved indecently in a public place.

2. The Criminal Revision Case is, therefore, dismissed.

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