

1969

*Present : H. N. G. Fernando, C.J.*

V. S. NADARAJAH, Appellant, *and* THE REGISTRAR-GENERAL,  
Respondent

*S. C. 1275/68—M. C. Jaffna, 35862*

*Notaries Ordinance (Cap. 107)—Section 31, Rule 3—Whether it prohibits the signature of an incomplete duplicate.*

While Rule 3 of Section 31 of the Notaries Ordinance provides that a duplicate of a deed may not be signed before the original instrument is executed, it does not clearly prohibit the Notary from taking the signature of an incomplete duplicate.

**A**PPPEAL from a judgment of the Magistrate's Court, Jaffna.

*P. Somatilekam*, for the accused-appellant.

*Kumar Amarasekere*, Crown Counsel, for the Attorney-General.

May 14, 1969. H. N. G. FERNANDO, C.J. —

The accused-appellant was convicted on three counts of alleged breaches of the Notaries Ordinance but he was acquitted on two other charges for similar breaches. Count one was based on an allegation that the Notary permitted a party to a deed "to sign the duplicate of the deed before the whole of the duplicate had been written" in breach of Rule 3 of Section 31. In regard to duplicates, Rule 3 prohibits a Notary from permitting a duplicate to be signed "until the whole of the deed or instrument shall have been written". While the Rule provides that a duplicate may not be signed before the original instrument is executed, it does not clearly prohibit the signature of an incomplete duplicate.

Counts 3 and 4 are charges based on the Notary having permitted the duplicate to be signed by the witnesses before the whole of the duplicate was completed. I have already pointed out that Rule 3 does not clearly declare such an act to be an offence. The convictions are quashed and the accused is acquitted.

*Appeal allowed.*