

1957

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

A. L. M. MAHAFOOR, Appellant, and S. DE Z. GUNASEKERA
(Public Health Inspector), Respondent

S. C. 149—M. C. Avissawella, 23,831

*Butchers Ordinance (Cap. 201)—Section 4—Unlawful exposure of meat for sale—
Ingredients of offence.*

In a prosecution for unlawful exposure of meat for sale in breach of section 4 of the Butchers Ordinance, as amended by Ordinance 44 of 1947 and Acts 2 of 1951 and 48 of 1953, there must be evidence that the meat in question was the meat of an animal slaughtered in Ceylon.

APPPEAL from a judgment of the Magistrate's Court, Avissawella.

S. B. Lekamge, for the accused-appellant.

Walter Wimalachandra, with *C. E. de Silva*, for the complainant-respondent.

Cur. adv. vult.

May 29, 1957. H. N. G. FERNANDO, J.—

Counsel for the appellant has raised a point which might be said to be "technical", but which must nevertheless succeed. The accused was charged with having carried on in July 1956 the trade of a Butcher without a licence in breach of section 4 of the Butchers Ordinance (Cap. 201) as amended by Ordinance 44 of 1947 and Acts 2 of 1951 and 48 of 1953. The evidence for the prosecution established that the accused on certain dates in July 1956 did in fact sell *meat* and that he was not the holder of a Butcher's Licence issued under the Ordinance. "Butcher" by definition is a person who either slaughters animals or exposes for sale the meat of animals slaughtered in the Island. "Animals" by definition include cattle, goats, sheep, pigs and turtles. One point which might be of use to the defence is that the evidence did not disclose that the meat exposed for sale by the accused was the meat of some animal included in the definition of animal, but the argument stressed by Counsel has been that there is no evidence whatever to show that the meat in question is *the meat of an animal slaughtered in Ceylon*. I would hold that an essential ingredient of the offence which is the subject of the present charge is the exposure of the meat of an animal which has been slaughtered in the Island and that the absence of evidence to establish the ingredient vitiates the conviction. The accused has therefore to be acquitted.

Appeal allowed.