

1969

Present : Sirimane, J.

A. RUBASINGHE, Appellant, and T. WELGAMA (Food and Price Control Inspector), Respondent

S. C. 596/69—M. C. Matara, 41099

Control of Prices Act—Contravention of Food Price Order—Area where offence was committed—Requirement of evidence that the Price Order applies to the area.

In a prosecution for contravention of a Food Price Order, there must be very clear evidence that the offence was committed in an area to which the Price Order applies.

APPEAL from a judgment of the Magistrate's Court, Matara.

Miss Suriya Wickremasinghe, for the accused-appellant.

Kosala Wijayatilake, Crown Counsel, for the Attorney-General.

October 27, 1969. SIRIMANE, J.—

The accused was convicted for a contravention of Food Price Order No. MT/11/68 published in the *Government Gazette* No. 14,798/1 of April 20, 1968, in that he sold a pound of bombay onions at a price in excess of the maximum controlled price fixed by that price order.

Counsel for the appellant urged only one point in appeal, namely, that there is no evidence that this order applies to the area in which the accused's boutique is situated. According to the charge the offence was committed at a place called Pitabeddara. The price order sets out in Column 2 the areas to which it is applicable, e.g., "Matara U. C., Dondra T. C., V. C. areas of Kekanadura, Aparekka, Babarenda, Malimboda etc." There is no reference to Pitabeddara, nor is there any evidence that Pitabeddara falls within any of the areas set out in Column 2. The only evidence on this point was the evidence of the Price Control Inspector who said that the boutique is in the administrative district of Matara. There is nothing in column 2 to indicate that the price order applies to the whole of that district. In fact, there is no reference to that district, at all. In cases of this nature, there must be very clear evidence that the offence was committed in an area to which the relevant Price Order applies.

Crown Counsel does not seek to support the conviction.

I set aside the conviction and sentence and acquit the accused.

Appeal allowed.
