

1967

Present : Tennekoon, J.

F. E. WIJEYESINGHE (Food and Price Control Inspector), *and*
P. O. S. A. FAROUK, Respondent

S. C. 846/67—M. C. Colombo South, 67024/A

Control of Prices Act—Food Price Order—Meaning of word “mutton”.

The word “mutton” in Food Price Order No. C 283 includes frozen mutton.

APPPEAL from a judgment of the Magistrate’s Court, Colombo South.

V. S. A. Pullenayegum, Crown Counsel, with *Faisz Mustapha*, Crown Counsel, for the Complainant-Appellant.

No appearance for the Accused-Respondent.

November 4, 1967. TENNEKOON, J.—

This is a case in which the accused has been convicted of having sold mutton at a price above that fixed by Food Price Order No. C283. There was evidence that the mutton that was sold on this occasion was frozen mutton.

The learned Magistrate, holding that the word “mutton” as used in the Food Price Order did not include frozen mutton, acquitted the accused. The learned Magistrate appears to have thought that the use of the words “mutton without bones, mutton with bones, and mutton dead weight” in the Food Price Order was an indication that if it was intended to control the price of frozen mutton there would have been reference to frozen mutton in the descriptions of mutton which were subject to the price order. I do not think this follows at all.

The word "mutton" must be given its ordinary meaning and mutton even when frozen still remains mutton. The words "mutton without bones, mutton with bones and mutton dead weight" could also apply to frozen mutton without bones, frozen mutton with bones and frozen mutton dead weight. No inference can therefore be drawn from the presence of those expressions that there was an intention to exclude frozen mutton. I am accordingly of the view that the Magistrate misdirected himself in acquitting the accused. The verdict of acquittal is set aside and the accused is convicted of the charge. The record will go back to the Magistrate for sentencing.

Acquittal set aside.

