

1946

Present : Howard C.J.

DASANAYAKE APPUHAMY, Appellant, *and* **KUMARASINGHE**
(D. R. O.), Respondent.

329—*M. C. Matale*, 6,165.

Evidence—Charge of failure to obey requisition order—Production of the requisition order necessary—Defence (Miscellaneous) Regulation 37 (1).

In a prosecution for failure to deliver property requisitioned under Regulation 37 of the Defence (Miscellaneous) Regulations the requisition order should be produced in evidence if there is nothing else to show that the requisition had been properly made.

A PPEAL against a conviction from the Magistrate's Court, Matale.

H. W. Jayewardene, for the accused, appellant.

V. T. Thamotheram, C.C., for the Attorney-General.

June 4, 1946. HOWARD C.J.—

It is impossible to support the conviction in this case. The appellant was charged with failing to place 17 bushels of paddy, which had been requisitioned in accordance with an order made by the Assistant Government Agent, Matale, a competent authority appointed in that behalf, at the disposal of the Village Headman of Pallegama. The only evidence in support of this charge was that of the Headman who stated that he obtained a requisition order from the Assistant Government Agent through the D. R. O. on June 14, 1945. That requisition order was not produced in evidence and therefore there was nothing before the Magistrate to show that the requisition had been properly made.

The appeal is allowed and the conviction quashed.

Appeal allowed.
