

1946

Present : Canekeratne J.

CAREEM, Appellant, and WICKREMERATNE (PRICE CONTROL INSPECTOR), Respondent.

942—*M. C. Kurunegala, 26,724.*

Food Control—Charge of unlawful possession of rice ration books—Innocent custody on behalf of other persons—No offence—Defence Food Control (Special Provisions) (No. 3) Regulations, 1943, s. 15 (2).

Some persons brought rice ration books to the boutique of a trader, under whom the accused was employed, to buy chilly and sugar. As the trader had gone to Kurunegala to bring these articles they left the books at the boutique and went to a place nearby—

Held, that the accused had not acted in contravention of section 15 (2) of the Defence Food Control (Special Provisions) (No. 3) Regulations, 1943.

¹ (1931) 23 Cr. App. R. 32.

² (1911) 6 Cr. App. R. 253.

³ (1911) 6 Cr. App. R. 285.

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

M. M. Kumarakulasingham, for the accused, appellant.

A. C. Alles, C.C., for the Attorney-General.

August 19, 1946. CANEKERATNE J.—

The accused was charged with having in his possession seven rice ration books belonging to persons other than the members of his household, an offence under the Defence Regulations, and was convicted and fined Rs. 500. The appellant's case is that the seven books had been brought to the boutique of one Ismail by or on behalf of the seven persons to whom they had been issued on August 2, 1945, for the purpose of obtaining chilly and sugar. When they found that these articles were not available at that time as the owner of the boutique, Ismail, had gone to Kurunegala to bring these articles, they left the books and went to some other place. Four of the books have been issued to the members of the family of one Puncha, one to one Abeysinghe. At the trial these two persons have been called as witnesses and they substantially bore out the version deposed to by the accused. The evidence also shows that Ismail had gone to Kurunegala and purchased sugar and chillies to the value of about Rs. 57·23 on this day. Apparently he returned later to the boutique when he found the boutique closed. There is nothing to show that the accused would have obtained any advantage by the custody of the books belonging to these persons. The probabilities are strongly in favour of the view advanced by the accused that the books were left there by the persons as they awaited the bringing of the sugar and chillies. The conviction of the accused is not justified and the accused is acquitted.

Appeal allowed.
