

1945

Present: **Wijeyewardene J.**

JAYAWICKREME, Appellant, and INSPECTOR OF POLICE,  
Respondent.

424—M. C. Kandy, 35,328.

*Police Ordinance—Laying down building materials on public road—Evidence of timber, &c., piled opposite accused's timber depot—Inference of guilt—Police Ordinance (Cap. 43), s. 64 (g).*

The accused was charged with having laid down building materials on the public road in breach of section 64 (g) of the Police Ordinance. The evidence for the prosecution was that there were "piles of timber-rafters, beams and planks and other building materials on the tarred portion of the road" opposite the accused's timber depot and that the accused claimed the timber as his property. No evidence was led for the defence:—

*Held*, that the only reasonable inference that could be drawn from the evidence was that the timber was placed on the road by the accused himself or a servant of his at his request.

**A** PPEAL against a conviction by the Magistrate of Kandy.

*H. V. Perera, K.C.* (with him *E. F. N. Gratiaën*) for the accused, appellant.

*E. L. W. de Zoysa, C.C.*, for the Attorney-General.

September 7, 1945. WIJEYWARDENE J.—

The accused-appellant was convicted on a charge of having laid down building materials on the public road in breach of section 64 (g) of the Police Ordinance.

The evidence for the prosecution was that there were " piles of timber-rafters, beams and planks and other building materials—on the tarred portion of the road " opposite the accused's timber depot and that the accused claimed the timber as his property. " The piles varied from 7 to 8 feet in breadth and were about 60 feet in length ".

No evidence was led for the defence, but the appellant's counsel contended that the charge could not be maintained, as there was no evidence to show that the appellant was the person who " actually " laid down the timber on the road. I think that the only reasonable inference that can be drawn from the evidence is that the timber was placed on the road by the appellant himself or a servant of his at his request. I hold that the accused-appellant has committed an offence under section 64 (g) of the Police Ordinance.

I dismiss the appeal.

*Appeal dismissed.*

