

**(1960) 10 MAD CK 0016**  
**In the Madras High Court**  
**In Re: Vanchalinga Devar**

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**Date of Decision :** 14-10-1960

**Acts Referred:**

City Police Act — Section 65

**Citation :** (1962) 75 LW 782 : (1962) 2 MLJ 255

**Hon'ble Judges :** Srinivasan, J

**Bench :** Single Bench

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## Judgement

Srinivasan, J.—The conviction of the petitioner u/s 65 of the City Police Act seems to be totally unwarranted on the facts of the record. According to the evidence of the Sergeant (P.W.-1) he saw this petitioner standing near a cart containing certain bags of grain. Without any substantial reason for embarking upon any investigation, this Sergeant claimed to have questioned the petitioner. The petitioner's version appears to have been that he was taking the grain from one of his two shops to the other and that his cartman had just then left. Apparently it was not a continuous or coherent narrative from the point of view of P.W. 1, the Sergeant. Solely for this reason, P.W. 1, seems to have imagined that the property in question had either been stolen or had been fraudulently obtained. Proceedings were accordingly started with the result stated above.

2. It seems fairly clear to me that Section 65 of the City Police Act does not give any uncontrolled power to any Police Officer to stop and question any citizen and ask him to account for possession of any property. The section requires clearly that there should be reason to believe the property to be either stolen or to have been fraudulently obtained, before the person in possession can be called upon to account for his possession. P.W. 1's version was that a police informer told him that a person was standing near a cart containing bags of grain. There is nothing more in the evidence to show any reason leading to the belief that the property was either stolen or had been fraudulently obtained. On the other hand, the rest of the evidence available in this case fully establishes to my mind that the petitioner was probably conveying grain from one of his shops to the other. Apparently he is a man of substance and the fact that he had no bills for the purchase of this grain seems to me to be wholly irrelevant. The foundation for

the charge has no existence in fact.

3. The conviction is wholly improper. It is set aside. The material objects will be returned to the petitioner.