

(1908) 02 AHC CK 0017
In the Allahabad High Court

Panna Lal

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 05-02-1908

Acts Referred:

Citation : 2 Ind. Cas. 192

Hon'ble Judges : Griffin, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Griffin, J.—This is an application for revision of an order of the Cantonment Magistrate of Jhansi, convicting the applicant, Panna Lal on two charges under the Excise Act, one u/s 21 and the other u/s 51.

2. The facts which form the basis of the first charge are that Panna Lal, who holds no license under the Excise Act, had received an order from the Secretary of the Jhansi Club, for some methylated spirits. Panna Lal obtained the methylated spirits from another shop and sent it from there on to the Club, without making" any profit in the transaction. Under the particular circumstances of the case it is difficult to call this transaction a sale. I, therefore, set aside the conviction and sentence under the first charge.

3. The second charge against the applicant, which was amply proved, was that he had purchased at a Court sale a quantity of wines and spirits knowing that he had no license for possession or sale of such liquor. I am unable to interfere with the order on the second charge.

4. I allow the application to the extent above indicated and set aside the conviction and sentence u/s 21 of the Excise Act. The fine of Rs. 30, if realized, will be refunded. The application is otherwise dismissed.