
(1947) 07 MAD CK 0010
In the Madras High Court

The Crown Prosecutor

APPELLANT

Vs

Mrs. Eliza Rencontre

RESPONDENT

Date of Decision : 08-07-1947

Acts Referred:

Citation : (1947) 60 LW 565 : (1947) 2 MLJ 226

Hon'ble Judges : Lakshmana Rao, J

Bench : Division Bench

Judgement

Lakshmana Rao, J.—The view of the Magistrate that Clause 6 of the Madras Firewood Rationing Order, 1945 is applicable only to

authorised dealers in firewood is obviously wrong and the question is whether the cut pieces of the neem tree seized in this case are "" firewood

within the meaning of Clause 2(10) of that Order. "" Firewood "" as defined in Clause 2(10) means all kinds of wood other than twigs not exceeding

two inches in circumference "" used as fuel "" and the evidence of P.W. I is that the neem tree was purchased by him for making rafters for

constructing a house. The wood seized is not before the Court nor is it in evidence that such kind of wood is ordinarily used as fuel. Under the

circumstances the Magistrate was right in holding that the wood seized was not firewood within the meaning of Clause 2(10) of the Madras

Firewood Rationing Order, 1945 and it follows that the order of discharge is correct. The revision is therefore dismissed.