
(1946) 07 MAD CK 0010
In the Madras High Court

The Executive Officer, Panchayat Board	APPELLANT
Vs	
Bondapalli Ayodhyaramayya	RESPONDENT

Date of Decision : 30-07-1946

Acts Referred:

Madras Local Boards Act, 1884 — Section 193

Citation : AIR 1947 Mad 132 : (1946) 2 MLJ 350

Hon'ble Judges : Yahya Ali, J

Bench : Division Bench

Judgement

Yahya Ali, J.—These two cases can be dealt with together as they raise a common point. In one case the respondent-accused was charged

by the Executive Officer, Panchayat Board, Tadepalligudem, who is the petitioner here, with having without a licence boiled paddy. In the other

case he was charged with having stored paddy without a licence. The prosecution case was that for both these processes it was necessary for the

accused to obtain licences u/s 193 read with schedule VII of the Madras Local Boards Act. The learned Magistrate in acquitting the accused has

pointed out that neither of these items is specifically intencioned in schedule VII and that therefore boiling of paddy or storing of paddy did not

constitute offences u/s 193 and could not be made punishable u/s 207. He also considered the question whether they could come under the

residuary item (q) of Schedule VII which speaks of a person generally "" doing in the course of any industrial process anything which is likely to be

offensive or dangerous to-human life or health or property."" It has been pointed out by the Magistrate that there is no evidence to show that either

of these processes was likely to be offensive or dangerous to human life or public health. My attention has not been drawn to any other provision

under which storage or boiling of paddy has been made an offence punishable under the Madras Local Boards Act. I see therefore no reason to interfere with the order made by the learned Magistrate.

2. The petitions are dismissed.