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**(1955) 11 BOM CK 0054**

**Bombay High Court**

**Case No:** Criminal Revision Application No. 1241 of 1955

Ghudusab Ibrahim Mujawar

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision:** Nov. 4, 1955

**Acts Referred:**

- Bombay Prohibition Act, 1949 - Section 66

**Citation:** AIR 1956 Bom 225 : (1956) CriLJ 495

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

**Bench:** Single Bench

**Advocate:** Government Pleader, for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

1. This is an application for revision of an order of the learned Judicial Magistrate, First Class, Belgaum, Cantonment, finding the applicant guilty of an offence u/s 66(b) Bombay Prohibition Act.

2. The prosecution case was that on 23-3-1954 the police went to a darga at which the applicant was sleeping and made him open with a key which he had the lock of a room of the darga. There were found in it 12 bottles of brandy and one bottle of Scotch whisky. The applicant's defence was that the room in which the brandy and whisky were found was not locked and in support of his contention he examined one witness who supported his case.

The learned trial Magistrate preferred, however, the evidence of the complainant Jamadar and the panch Gundu Narayan. The panchnama also mentioned that a door of the room was opened by the applicant who had got a key with him. The applicant was asked about what he had to say about the prosecution case, when he gave no explanation as to the circumstances in which he happened to have the key of the room with him, if he was not in possession of the room. He contented himself

by saying that the room was not locked.

It is obvious, therefore, that he had no explanation to give as to the circumstances in which the key happened to be with him. His possession of the key of the room was prima facie evidence of his possession of the room. There was nothing against it, and both the trial Magistrate as well as the Sessions Judge found that the applicant was in possession of the room and consequently also of the brandy and the whisky.

3. The applicant was, therefore, rightly convicted. The sentence passed upon him is not excessive. Rule will, therefore, be discharged.

4. Rule discharged.