

Ghudusab Ibrahim Mujawar Vs State

Court: Bombay High Court

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

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.