

FORMER TRANSPORT OFFICER ACQUITTED

(FROM OUR CORRESPONDENT.)

NEW DELHI, Sept. 24.

A Division Bench of the Supreme Court to-day ordered the acquittal of Behram Khurshid Pessikaka former officiating Regional Transport Officer, Bombay, who had been sentenced to one month's imprisonment and a fine of Rs. 500 by the Bombay High Court under the Bombay Prohibition Act. The Constitution Bench of the Supreme Court delivered judgment yesterday in a reference made to it giving its opinion that when a person was prosecuted under the Prohibition Act the onus was on the prosecution to prove that the accused had consumed prohibited alcoholic drink and not medicinal preparations containing alcohol.

When Pessikaka's appeal was taken up for hearing to-day, the presiding Judge of the Division Bench, Mr. Justice Bhagwati asked the Attorney-General appearing on behalf of the State of Bombay whether in view of the judgment of the Constitution Bench on the question referred to it, he could say that the prosecution had discharged the onus that was cast on it. The Attorney-General conceded that on the evidence on record he could not say that the prosecution had discharged the onus, whereupon the court ordered the acquittal of B. K. Pessikaka.