1960 *Present :* **Sinnetamby, J.**

PERUMAL, Appellant, *and* RANAWAKE (Food and Price Control Inspector), Respondent

*S. C. 1030—M. C. Matale, 5578*

*Control of Prices—Chillies—Maximum price fixed for a pound—Price chargeable for a lesser quantity.*

The accused was charged with selling half a pound of dry chillies for 50 cents when the maximum price fixed by the Price Control order was 87 cents per pound—

*Held*, that the sale of any quantity of chillies at a price proportionately more than at the rate of 87 cents per pound was an offence.

APPEAL from a judgment of the Magistrate's Court, Matale.

*S. Sharvananda*, with *M. T. M. Sivardeen*, for accused-appellant.

*S. Sivarasa*, Crown Counsel, for Attorney-General.

February 25,1960. SINNETAMBY, J.—

The facts of this case are not disputed. The Price Control order stipulates that dry chillies shall not be sold at more than 87 cents per pound. In this case, half a pound was sold at 50 cents and on the authority of the cases reported in *44 N. L. R. 545* and *46 N. L. R. 493*, learned counsel contends that in as much as the maximum price of one pound was fixed at 87 cents, the accused committed no offence in selling half a pound at more than half the price. The answer to that is to be found in the case reported in *30 C. L. W. 110* where Justice Wijeyewardene, himself, who decided the earlier case, drew the distinction in the carlier case of tablets. When there is a bottle of 25 tablets and a bottle of 100 tablets, for which the maximum prices fixed are not proportionate, it will not be possible to ascertain the maximum price of one tablet. What was regulated in this case was chillies, not any particular quantity of chillies, the maximum price being 87 cents per pound. If the Price Control order had read "one pound of chillies" as the substance for which the maximum price was fixed at 87 cents, then there might have been some substance in the argument; but the goods for which the price was fixed was not one pound, but merely chillies, and the maximum price was 87 cents per pound. It, therefore, follows that a person who sells any quantity of chillies at a price proportionately more than at the rate of 87 cents per pound will be guilty of the offence.

I accordingly affirm the conviction and dismiss the appeal.

*Appeal dismissed.*