

Nov. 24, 1909

Present: Mr. Justice Grenier.

SAFFAR v. SIRIWARDANA et al.

P. C., Kalatura, 12,043.

*Person found drunk and disorderly in a public thoroughfare—Arrest without warrant by a police officer.*

A police officer has a right to take into his custody without a warrant a person whom he finds behaving in a drunken and disorderly manner in a public place or thoroughfare.

Bawa (with him E. W. Jayewardene), for the appellant.

No appearance for the respondent.

*Cur. adv. vult.*

November 24, 1909. GRENIER J.—

The evidence in this case shows that all the appellants acted in a very bold and high-handed manner in rescuing a drunken person who was in the lawful custody of the complainant, the Police Vidane of Latpandura. In my opinion the headman had a perfect right to take into his custody, without a warrant, a person whom he found behaving in a drunken and disorderly manner in a public thoroughfare. In this case the man who was rescued was not only drunk and disorderly, but had committed the offence of mischief by breaking some furniture belonging to one Baba Singho.

I do not agree with the judgment of Withers J., reported in 2 N. L. R. 149, that a police officer cannot arrest without a warrant a person whom he finds to be drunk and disorderly in a public place or thoroughfare. In a footnote appended to the judgment reference is made by the then editor of *New Law Reports* to section 23 of the Licensing Ordinance, No. 12 of 1891, which empowers a police officer to take into his custody such a person and to keep him in his custody until he becomes sober. I hold therefore that the police headman in this case acted quite legally in taking into his custody the person who was subsequently rescued by the appellants.

[His Lordship then discussed the merits and dismissed the appeal.]

*Judgment affirmed.*