

Present : Lascelles C.J.

April 10, 1911

THE KING v. GIRIGORIS.

32—D. C. (Crim.) Galle, 13,718

“ The Pawnbrokers’ Ordinance, 1893 ”—Making false affidavit as to loss of pawn ticket—Offence under s. 19 (3).

A person who swore falsely an affidavit to the effect that he had lost his pawn ticket was held to have committed an offence under section 19 (3) of “ The Pawnbrokers’ Ordinance, 1893.” “ Although the document is not in all respects a declaration under the Ordinance, it purports to be such a declaration, and it is so as regards its substantial and material effect.”

THE facts appear sufficiently from the judgment.

A. St. V. Jayewardene, for the accused, appellant.

Bawa, A. S.-G., for the respondent.

April 10, 1911. LASCELLES C.J.—

This is an appeal from a conviction of the accused under subsection (3) of section 19 of “ The Pawnbrokers’ Ordinance, 1893.” Section 19 of the Ordinance was enacted for the protection of persons who have lost their pawn tickets. It provides that any person alleging that his ticket has been lost or stolen may deliver to the pawnbroker a declaration in the form described in

¹ (1901) 2 *Tam. p. 12* (b).

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schedule 4, duly made before a Justice of the Peace by himself and by the person identifying him. Thereupon the person who makes the declaration has, as between himself and the pawnbroker, the same rights and remedies as if he produced the pawn ticket.

Sub-section (3) of the same section provides that "if any person makes a declaration under this Ordinance either for himself or as identifying another, knowing the same to be false in any material particular, he is guilty of an offence." The accused in this case has been indicted under sub-section (3). It is contended on his behalf that the document in question is an affidavit, and not a declaration under the Ordinance. The answer to that is that, although the document is not in all respects a declaration under the Ordinance, it purports to be such a declaration, and is so as regards its substantial and material effect; although it is more or less in the form of an affidavit. It is alleged again that the document is not a declaration under the Ordinance, because there is no declaration by the person who should identify the declarant. But sub-section (3) provides for two separate and distinct offences. It is an offence either to make a false declaration under the Ordinance for the declarant himself, and it is also a distinct offence for the identifying person to make a false declaration of identity. It seems to me that in the present case we have a declaration made by the declarant himself under the Ordinance for the purposes of that Ordinance, and that having been proved to be false, I am clearly of opinion that he was guilty of an offence under sub-section (3), section 19.

I would therefore dismiss the appeal.

Appeal dismissed.

