

1942

*Present: de Kretzer J.*

CASSIM, Appellant, and PERERA, INSPECTOR OF  
POLICE, Respondent.

303—*M. M. C. Kandy, 30,542.*

*Soliciting in a public place—Meaning of expression—Vagrants Ordinance (Cap. 26), s. 7 (1) (a).*

Where a person accosted two soldiers in a public place, pressed his invitation upon them and arranged a car to carry them to a brothel,

*Held*, that he was guilty of the offence of soliciting a person in a public place within the meaning of section 7 (1) (a) of the Vagrants Ordinance.

*Thiedeman v. Gunasekera (43 N. L. R. 143)*, distinguished and explained.

**A** PPEAL from a conviction by the Municipal Magistrate of Kandy.

*N. M. de Silva* for the accused, appellant.

*E. H. T. Gunasekera, C.C.*, for the Crown, respondent.

June 16, 1942. DE KRETZER J.—

The conviction and sentence are affirmed. The facts of this case are entirely different from those in *Thiedeman v. Gunasekera*<sup>1</sup>. There is one sentence in my judgment in that case which is unfortunately worded, perhaps. I did not mean to say that the person soliciting should proclaim to the public what he was doing. A person soliciting for the purpose mentioned would carry on his conversation privately. However quietly he accosted a person who was a stranger to him, if he did so in a public place there would be publicity. It would be different if two persons met by appointment and their conversation, instead of being on some ordinary topic, happened to be regarding the matter for which they had met, namely, some arrangement about women being procured for an immoral purpose. In the Negombo case the police drove up to the house of the accused, who naturally came out to inquire what their mission was.

<sup>1</sup> 43 N. L. R. 143.

They were, for all practical purposes, in the same position as a person who met another by appointment, for they knew that upon halting their car there the occupant of the house would come out to meet them.

In the present case the accused accosted the two soldiers in a public place and, but for their detective instinct, would have caused them considerable annoyance. He pressed his invitation upon them, arranged for a car to convey them to the place he had in view—in short, it was not only inviting patronage of a brothel but pressing the matter upon them. There was both earnestness and importunity.

*Affirmed.*

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