

(1936) 12 PAT CK 0001
In the Patna High Court

B. Biswas

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 14-12-1936

Acts Referred:

Boilers Act, 1923 — Section 6(c)
Criminal Procedure Code, 1898 (CrPC) — Section 438

Citation : AIR 1937 Patna 275

Hon'ble Judges : Varma, J;Agarwala, J

Bench : Full Bench

Judgement

Agarwala, J.—This is a reference u/s 438, Criminal P.C. by the Additional Deputy Commissioner of Dhanbad recommending that a fine of Rs. 10 passed on Mr. B. Biswas, Manager of the New Sudamdih Colliery, on conviction for an offence u/s 6(c), Boilers Act of 1923, be enhanced, having regard to the serious consequence of accidents arising out of the use of uncertified boilers. Unfortunately, as the accused pleaded guilty to the charge when if; was explained to him in the trial Court, and that plea was accepted without calling upon the prosecution to adduce evidence, we have no evidence before us by which we can Judge the heinousness of the offence committed by the accused. In these circumstances we are not prepared to interfere with the discretion of the trial Court in the matter of sentence. The reference is accordingly discharged.

Varma, J.

2. I agree.