

(1909) 04 MAD CK 0029
In the Madras High Court

Vellai Gownden

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 07-04-1909

Acts Referred:

Penal Code, 1860 (IPC) — Section 290

Citation : 2 Ind. Cas. 424

Hon'ble Judges : Abdur Rahim, J

Bench : Single Bench

Judgement

Abdur Rahim, J.—Upon the facts found by the Appellate Magistrate the conviction of the accused u/s 290, Indian Penal Code, cannot obviously be supported. Some persons diverted the water of a stream into the land of the accused with the result that a certain path was obstructed. I fail to understand how the lower appellate Court could have held the accused responsible u/s 290, Indian Penal Code, for causing a public nuisance, even if what happened did amount to a nuisance when it was not he that did the act complained of. The conviction is, therefore, set aside and the fine, if paid, is to be refunded.