

(1877) 05 CAL CK 0007

Calcutta High Court

Case No: None

The Empress

APPELLANT

Vs

Halodhur Poroe and
Others

RESPONDENT

Date of Decision: May 7, 1877

Acts Referred:

- Penal Code, 1860 (IPC) - Section 277

Citation: (1877) ILR (Cal) 383

Hon'ble Judges: Prinsep, J; Markby, J

Bench: Division Bench

Judgement

Markby, J.

I think we must hold that this is not a case u/s 277 of the Indian Penal Code. The water which is said to have been fouled was certainly not the water of a reservoir, nor, in my opinion, was it the water of a "public spring." The judgment of the Magistrate shows that it was the water of the river Nobogunga. I do not think by the use of the words "the water of any public spring" the Legislature intended to include the water of a river. On that ground we quash the order and direct the fine, it paid, to be refunded.