
(1910) ILR (Cal) 543

Calcutta High Court

Case No: None

Maharaj Mandal

APPELLANT

Vs

Pokar Singh

RESPONDENT

Date of Decision: March 17, 1910

Acts Referred:

Bengal Ferries Act, 1885 " Section 28, 6

Citation: (1910) ILR (Cal) 543

Hon'ble Judges: Stephen, J; Carnduff, J

Bench: Division Bench

Judgement

Stephen and Carnduff, JJ.

The petitioners in this case have been convicted of an offence u/s 28 of the Bengal Ferries Act, 1885. We have

granted a rule on the Magistrate of the Purneah District to show cause why the conviction and the sentences passed on the petitioners should not

be set aside on the ground that the limits of the public ferry have not been declared u/s 6 of the Act. It appears that this is the fact of the case.

There is nothing to show that the Karagola ferry has ever been declared to be a public ferry u/s 6, or, at least, the declaration itself has not been

produced. The Judge tells us that the Karagola ferry certainly is a public ferry and has existed for over 35 years, and, from what is said in the

explanation, we gather that the point was not raised at the trial. At the same time the Karagola ferry has apparently not been declared u/s 6, and,

therefore, the limits within which the rights connected with it exist, have not been, and cannot be, ascertained.

2. Under these circumstances we consider that the conviction cannot stand. We accordingly make the rule absolute and set aside the conviction.

Any money paid in respect of the fines imposed will be refunded.