

(1922) 12 BOM CK 0022

Bombay High Court

Case No: None

The King-Emperor

APPELLANT

Vs

A. Duraiswami

RESPONDENT

Date of Decision: Dec. 8, 1922

Citation: (1923) ILR (Bom) 476

Hon'ble Judges: Krishnan, J

Bench: Single Bench

Judgement

Krishnan, J.

The interpretation put by the Honorary Magistrates on the rule referred to by them and published in the Fort St. George Gazette of 28th March 1922, Notification No. 81 seems to be erroneous. The first part of the rule applies to the person who pedals the bicycle and takes with him another on the same cycle; and the latter part of the rule clearly applies to the person who allows himself to be so carried, for he rides the bicycle but not on the saddle. The word "ride" does not necessarily imply that the person riding should propel the bicycle himself. It may be that the rule as worded covers the case of a single person riding a bicycle without being seated on the saddle but it certainly covers also the case of a person riding a bicycle in the manner the second accused did. He pleaded guilty and therefore he should have been convicted, but as the Crown Prosecutor does not ask for a sentence it is not necessary to inflict one now. But his acquittal is set aside.