Mines Act, 1952

Section 77 - Exemption of owner, agent or manager from liability in certain cases Where the owner, agent or manager of a mine,

a) [a] Inserted by the Mines (Amendment) Act, 1959 (LXII of 1959), section42 (w.e.f. 16-1-1960). [and on his furnishing the known address of the actual offender] and on giving to the prosecutor not less than three clear days' notice in writing of his intention so to do, to have that other person brought before the Court on the date appointed for the hearing of the case; and if, after the commission of the offence has been proved, the owner, agent, or manager of the mine, as the case may be, proves to the satisfaction of the Court- (a) that he has used due diligence to enforce the execution of the relevant provisions of this Act, and (b) that the other person committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, agent or manager of the mine, and the owner, agent or manager, as the case may be, shall be acquitted : Provided that (a) the owner, agent or manager of the mine, as the case may be, may be examined on oath and his evidence and that of any witness whom he calls in support shall be subject to cross-examination by or on behalf of the person he alleges as the actual offender and by the prosecutor; (b) if in spite of due diligence the person alleged as the actual offender cannot be brought before the Court on the date appointed for the hearing of the case, the Court shall adjourn the hearing thereof from time to time so however that the total period of such adjournments does not exceed three months, and if by the end of the said period the person alleged as the actual offender cannot be brought before the Court, the Court shall proceed to hear the case against the owner, agent or manager, as the case may be.