

**Queen-empress Vs. Rappel**

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**SooperKanoon Citation :** [sooperkanoon.com/780520](http://sooperkanoon.com/780520)

**Court :** Chennai

**Decided On :** Aug-09-1895

**Reported in :** (1895)ILR18Mad490

**Judge :** Arthur J.H. Collins, C.J. and ;Parker, J.

**Appellant :** Queen-empress

**Respondent :** Rappel

**Judgement :**

1. The High Court Proceedings of 7th December 1866 (3 M.H.C.R. App. IX) and 24th April 1873 (7 M.H.C.R. App. XXII) were passed before the Penal Code was amended by Act VIII of 1882, and the effect of the amendment is to make Sections 40 and 64, Indian Penal Code, applicable to offences under the Police Act XXIV of 1859. The incorporation of Sections 3 and 41 of Madras Act III of 1889 in Act XXIV of 1859 does not, therefore, now render the provisions of Sections 40 and 64, Indian Penal Code, inapplicable.

2. think the sentences are not open to any legal objection.

1.

Section 4: Whoever neglects to fence in or protect any well,

Neglecting to fence in tank or other dangerous place or structure, or,

well, tank, &c. whoever causes any offensive matter to run from any house, factory, dungheap or the like into the street--shall be liable on

Causing offensive matter conviction to a fine not exceeding fifty rupees or to imprisonment

to run from house &c. of either description which may extend to one month.

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