

Queen-empress Vs. Thimmachi

Queen-empress Vs. Thimmachi

SooperKanoon Citation : sooperkanoon.com/785527

Court : Chennai

Decided On : Oct-16-1891

Reported in : (1892)ILR15Mad93

Judge : Wilkinson and ;Shephard, JJ.

Appellant : Queen-empress

Respondent : Thimmachi

Judgement :

Wilkinson, J.

1. I do not think the conviction can be maintained. Spreading a false report and thereby preventing people from bringing their children for vaccination does not appear to me to amount to voluntary obstruction of the vaccinator in the performance of his public duties The conviction and sentence should be quashed.

Shephard, J.

2. To prevent by physical means persons willing to be vaccinated from being vaccinated might be obstruction of the vaccinator within the meaning of the Section. But merely to dissuade a person from submitting to vaccination is another matter. That is not obstruction, for it is only with regard to willing patients that the vaccinator has any duty. The conviction should be set aside, and the fine, if paid,

refunded.

3. Ordered accordingly.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com