

**In Re: Bozagellaya**

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**SooperKanoon Citation :** [sooperkanoon.com/794348](http://sooperkanoon.com/794348)

**Court :** Chennai

**Decided On :** Sep-21-1908

**Reported in :** 4Ind.Cas.1166

**Judge :** Abdur Rahim, J.

**Appellant :** In Re: Bozagellaya

**Judgement :**

ORDER

**Abdur Rahim, J.**

1. Vaccination not having been made compulsory in the Harivanam village the vaccinator was not discharging any duty under the law when attempting to vaccinate the child against the will of its parents. If the accused prevented him from doing so, he cannot be said to have committed any offence under Section 353 of the Indian Penal Code. The conviction must, therefore, be set aside and the fine, if paid, must be refunded.