

REG. V. NA'THA' LA'LLA'.

1868.
Aug. 6.*Injury by Fire—Ind. Pen. Code, Sec. 285.*

Held that the word "injury" (rashly caused by fire &c.) in Sec. 285 of the Indian Penal Code includes any harm illegally caused to the property of any other person, and is not confined to injury to the person only.

THIS case was referred for the orders of the High Court by T. C. Hope, Magistrate of the District of Súrat, under Sec. 434 of the Code of Criminal Procedure.

The facts are these :—While a marriage procession was going on, the accused, who was one of the procession, used fireworks on the road, which burnt two bundles of the straw with which a *māndvá* belonging to the complainant was thatched, thereby causing him an injury. For this act the accused was convicted under Sec. 285 of the Indian Penal Code, and sentenced to pay a fine of ten rupees by the Subordinate Magistrate of the Second Class at Hansot. The Magistrate of the District, however, was of opinion that the act charged was attended simply with injury to property, and that as such it did not come within the scope of Sec. 285 of the Indian Penal Code, which, in the opinion of the District Magistrate, only contemplated personal injury.

PER CURIAM (NEWTON and TUCKER, JJ.) :—Considering the definition of the word "injury" given in Sec. 44 of the Indian Penal Code, and the general declaration contained in Sec. 7 of the said Code, the Court is of opinion that any harm illegally caused to the property of any person comes within the term "injury" as used in Sec. 285 of the Indian Penal Code. The conviction and sentence appear, therefore, to have been legal.