

2. Such act or omission must cause danger, obstruction or injury to any person in any public way or line of navigation.

It is not necessary to prove that any specific individual was actually obstructed.^{81.}

1. 'Public way'.—Where the privilege of a right of way is enjoyed only by a particular section of the community or by the inhabitants of two or three villages and not by others, the way is not a public way within the meaning of this section.^{82.} The section cannot be extended to a case where a party prohibits strangers from passing through its fields, even though they may have been allowed access on earlier occasion.^{83.}

[s 283.2] CASES.—

A tractor trolley duly loaded with fertilizers was negligently parked in the middle of the road by its driver without there being any signal of its being stationary and as such three persons who were proceeding on a motor-cycle collided with the stationary trolley and sustained severe injuries. The Rajasthan High Court declined to quash the proceedings.^{84.}

^{81.} *Venkappa v State*, (1913) 38 Mad 305.

^{82.} *Prannath Kundu*, (1929) 57 Cal 526 .

^{83.} *Nand Ram v State*, (1969) Cr LJ 77 .

^{84.} *Jai Ram v State of Rajasthan*, 2001 Cr LJ 3915 (Raj).

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CHAPTER XIV OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY CONVENIENCE, DECENCY AND MORALS

The following specific instances of nuisance are dealt with in this Chapter:—

1. Act likely to spread infection (sections 269–271).
2. Adulteration of food or drink (sections 272–273).
3. Adulteration of drugs (sections 274–276).
4. Fouling water of a public spring or reservoir (section 277).
5. Making atmosphere noxious to health (section 278).
6. Rash driving or riding (section 279).
7. Rash navigation (sections 280–282).
8. Exhibition of false light, mark or buoy (section 281).
9. Danger or obstruction in a public way or line of navigation (section 283).
10. Negligence in respect of poison (section 284), fire (section 285) or explosive substances (section 286).
11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

[s 284] Negligent conduct with respect to poisonous substance.

Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person,

or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

Under the second part of this section, a person in possession of a poisonous substance should have negligently omitted to take such order with it as is sufficient to guard against any probable danger to human life from such substance. It is not

necessary that the negligent omission should be followed by any disastrous consequences.⁸⁵

⁸⁵. *Hosein Beg*, (1882) PR No. 16 of 1882.

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10. Negligence in respect of poison (section 284), fire (section 285) or explosive substances (section 286).
11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

[s 285] Negligent conduct with respect to fire or combustible matter.

Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

This section extends the provisions of the preceding section to fire or any other combustible matter.

[s 285.1] Cases.—

A factory worker allegedly died due to rash and negligent act of occupier or manager. It was argued that [section 92 of Factories Act, 1948](#) prescribes punishment to occupier or manager of factory for contravention of any of the provisions of [Factories Act](#) or any rules made thereunder. It was held that there is nothing in [Factories Act](#) (Special Law) which prescribes punishment for rash and negligent act of occupier or manager of factory which resulted into the death of any worker or any other person. Hence, offences under [IPC, 1860](#) including section 285 will apply.⁸⁶ Where a factory manager, in breach of conditions in the licence kept naked fire in proximity of stores of turpentine and vanish and the fire caused death of seven workers, the court found that he is guilty under [sections 285 and 304A IPC, 1860](#).⁸⁷ The acts of accused in setting fire to the Tobacco Stock inside the house after pouring petrol and further act of throwing petrol on the deceased when he tried to pacify, cannot be held as either rash or negligent act so as to attract the offence under [section 285 of IPC, 1860](#).⁸⁸

⁸⁶. *Ejaj Ahmad v State of Jharkhand*, [2010 Cr LJ 1953](#) (Jha).

⁸⁷. *Kurban Hussein Mohamedalli Bangawalla v State of Maharashtra*, [AIR 1965 SC 1616](#) [[LNIND 1964 SC 355](#)] : [1965 \(2\) SCR 622](#) [[LNIND 1964 SC 355](#)] .

⁸⁸. *Madhusudan v State of Karnataka*, [2011 Cr LJ 215](#) (Kant).

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5. Making atmosphere noxious to health (section 278).
6. Rash driving or riding (section 279).
7. Rash navigation (sections 280–282).
8. Exhibition of false light, mark or buoy (section 281).
9. Danger or obstruction in a public way or line of navigation (section 283).
10. Negligence in respect of poison (section 284), fire (section 285) or explosive substances (section 286).
11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

[s 286] Negligent conduct with respect to explosive substance.

Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

The foregoing section deals with 'fire or combustible matter', this with 'explosive substance'; otherwise, the provisions of both the sections are alike.

The word 'knowingly' is evidently used in this section advisedly.

[s 286.1] Limitation.—

In a case, the occurrence took place as far back as in the year 1995 and the challan was presented in the year 2006. The prosecution was launched against the petitioners beyond the period of limitation as prescribed under the statute. Proceedings under sections 286 and 9-B and 9-C of the [Explosive Substances Act, 1908](#), were quashed.^{89.}

^{89.} *T Amudha Sidhanathan v Union Territory, Chandigarh*, [2008 Cr LJ 937](#) (P&H).

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11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

[s 287] Negligent conduct with respect to machinery.

Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

Machinery is dangerous to human life if proper precaution is not taken in its working. This section renders any rash or negligent conduct in respect of machinery punishable. Section 284 deals with poison; section 285, with fire or combustible matter, section 286, with explosive substance; and this section, with machinery.

Death of the victim occurred when his hand got crushed in conveyor belt while repairing it. There is no evidence to prove that the accused knowingly or negligently failed to take precautions against probable danger. It is held that no offence under section 287 or section 304A is made out.⁹⁰

⁹⁰. *Raj Kumar Bansal v State of Jharkhand*, 2012 Cr LJ (NOC) 554 (Jha).

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11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

[s 288] Negligent conduct with respect to pulling down or repairing buildings.

Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

COMMENT.—

This section deals with negligent conduct with respect to pulling down or repairing buildings. The injury complained of must be the direct consequence of such negligent conduct.⁹¹ [section 288, IPC, 1860](#), concerns itself with a situation where a person, in pulling down or repairing and building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or any part thereof.⁹²