

APPELLATE CRIMINAL.

Before Mr. Justice King.

SIVA BUSHANA MUDALIAR (ACCUSED), PETITIONER,

1935,
November 21.

v.

THE PRESIDENT, PANCHAYAT BOARD, TIRUVALLUR
(COMPLAINANT), RESPONDENT.**Madras Local Boards Act (XIV of 1920), Sch. VII, cls.
(p) and (q)—Printing press worked entirely by hand—
Power of Local Board to demand licence fee for.*

A Local Board has no authority to demand any licence fee from the owner of a printing press worked entirely by hand, as it is neither "machinery" nor "dangerous to human life", within the meaning of clauses (p) and (q) respectively of Schedule VII of the Madras Local Boards Act (XIV of 1920). *Alampath Krishnan v. Municipal Prosecutor*, (1925) 92 I.C. 873; and *Municipal Council, Cannanore v. Anandan*, (1927) I.L.R. 51 Mad. 601, referred to and followed.

PETITION under sections 435 and 439 of the Code of Criminal Procedure, (Act V of 1898), praying the High Court to revise the order of the Court of the First Class Bench of Magistrates, Tiruvallur, in Bench Case No. 258 of 1935.

T. C. A. Bashyam and *T. C. A. Thirumalachariar* for petitioner.

K. R. Venkatarama Sarma for respondent.

Public Prosecutor (L. H. Bewes) for the Crown.

ORDER.

It seems to me that the principle of the rulings reported as *Alampath Krishnan v. Municipal Prosecutor*(1) and *Municipal Council, Cannanore v. Anandan*(2), where it is held that handlooms are

* Criminal Revision Case No. 649 of 1935.

(1) (1925) 92 I.C. 873.

(2) (1927) I.L.R. 51 Mad. 601.

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not "machinery" requiring the issue of a licence, can easily be extended to the present case where there is a printing press worked entirely by hand. Clause (p) of Schedule VII of the Madras Local Boards Act therefore will not apply. It is argued that clause (q) applies as the running of this printing press is "dangerous to human life". Such a contention seems to me an absurd exaggeration. Clause (q) also does not apply. This petition is therefore allowed, and, as the Local Board had in my opinion no authority to demand any licence fee from the petitioner, the order requiring him to pay it is set aside.

K.W.R.