

I) iv) that the omission was negligent or



i) That the accused was pulling down or repairing a building; ii) That he omitted to take such order with the building as was sufficient to guard against probable danger from the fall of building or any part thereof; iii) That the probable danger was to human life; iv) That the omission was negligent or with a knowledge of such probable danger. Section 288 could only be brought into requisition in a case where the building is situating in a populated neighbourhood or where it abuts on a highway. It has no application to a building standing on an isolated ground where its fall can endanger no one. The building pulled down need not be old, for the danger lies in dismantling it whether it be old or new.

The liability of persons rebuilding is only confined to causing danger to human life from the fall of the building. It does not depend upon the annoyance and inconvenience caused to the neighbours or passers-by. Where a workman engaged in constructing an additional floor on a building threw down a brick which caused grievous injuries to a person in the compound adjoining the building, it was held that Section 288 was not applicable.

The offence under Section 288 is non-cognizable, and summons should ordinarily issue in the first instance. It is bailable but not compoundable, and is triable by any Magistrate summarily.