



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०(२)]

शुक्रवार, मार्च ३१, २०१७/चैत्र १०, शके १९३९

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असाधारण क्रमांक ५७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Indian Penal Code and the Code of Criminal Procedure Code (Maharashtra Amendment) Bill, 2017 (L. A. Bill No. XX of 2017), introduced in the Maharashtra Legislative Assembly on the 31st March 2017, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XX OF 2017.

A BILL

further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, in their application to the State of Maharashtra.

45 of 1860. 2 of 1974. WHEREAS it is expedient further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 in their application to the State of Maharashtra, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the Indian Penal Code and the Code of Short title. Criminal Procedure (Maharashtra Amendment) Act, 2017.

(१)

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860.

Amendment
of section 332
of 45 of 1860.

2. In section 332 of the Indian Penal Code, 1860 in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as "the said Code"), for the words "three years" the words "five years" shall be substituted. 45 of 1860.

Amendment
of section 353
of 45 of 1860.

3. In section 353 of the said Code, for the words "two years" the words "five years" shall be substituted.

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.

Amendment
of section 309
of 2 of 1974.

4. In section 309 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as "the Code of Criminal Procedure"), after the existing proviso, the following proviso shall be added, namely :— 2 of 1974.

" Provided further that, when the enquiry or trial relates to an offence under section 332 or 353 of the Indian Penal Code, the inquiry or trial shall, as far as possible be completed within a period of six months from the date of filing of the charge sheet." 45 of 1860.

Amendment
of First
Schedule of
2 of 1974.

5. In the First Schedule to the Code of Criminal Procedure, under the heading "I.-OFFENCES UNDER THE INDIAN PENAL CODE",—

(i) for the entry relating to section 332, the following entry shall be substituted, namely :—

"332	Voluntary causing hurt to deter public servant from his duty.	Imprison- ment for five years, or fine, or both.	Cognizable	Non-	Court of bailable Session."
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(ii) for the entry relating to section 353, the following entry shall be substituted, namely :—

"353	Assault or use of criminal force to deter a public servant from discharge of his duty.	Imprison- ment for five years, or fine, or both.	Cognizable	Non-	Court of bailable Session."
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STATEMENT OF OBJECTS AND REASONS.

Section 332 of the Indian Penal Code, 1860 provides for punishment for the offence of voluntarily causing hurt to deter public servant from his duty with imprisonment of either description for a term which may extend to three years or with fine or with both. The offence under section 333 of the said Code provides for punishment for voluntarily causing grievous hurt to deter public servant from his duty with imprisonment of either description for a term which may extend to ten years and also with fine. Section 353 of the said Code provides for punishment for offence of assault or criminal force to deter a public servant from discharge of his duty with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Part I of the First Schedule of the Code of Criminal Procedure, 1973 (2 of 1974) provides that the offence under the said section 333 shall be triable by a Court of Session and that the offences under said section 332 shall be triable by a Magistrate of the First Class and section 353 shall be triable by any Magistrate.

It has been brought to the notice of the State Government that there is an increase in the number of assaults to deter a public servant from discharging his duties. The data available with the State Government shows that during the period 2011 till August 2016, about 17,682 cases have been registered under the said sections 332, 333 and 353.

As the existing provisions regarding punishment under sections 332 and 353 are not effective to ensure the public servants and adequately safeguard them in the discharge of their duties, it is expedient to enhance the punishment for the offences under the said sections 332 and 353 and to provide that the said sections 332 and 353 be tried by a Court of Sessions, as in the case of offence under section 333.

It is therefore considered expedient to amend sections 332 and 353 of the Indian Penal Code, 1860 and section 309 and the First Schedule to the Code of Criminal Procedure, 1973, in their application to the State of Maharashtra, suitably.

2. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 29th March, 2017.

DEVENDRA FADNAVIS,

Chief Minister.