

TAMIL NADU PUBLIC PROPERTY (PREVENTION OF DESTRUCTION AND LOSS) ACT, 1982

: T.N. Act Public Property (Prevention of 835 Destruction and Loss) TAMIL NADU ACT NO. 29 OF 1982.* THB TAMIL NADU PUBLIC PROPERTY (PREVEN- TION OF DESTRUCTION AND LOSS) ACT, 1982, [Received the assent of the President on the 15th May 1982, first published in the Tamil Nadu Government Gazette Extraordinary, on the 18th May 1982 (Vaikus4, Thunthubi, Thiruvalluvar An Act to provide for pmishments for certain acts in respa of the public property and the public in State of Tamil Nadu. BEit enaded by the Legislature of the Stete of TamilNadu in tE Erty4h.;rd Yær of tiE Republic of India ss folLws 1. (I) This Act may be called the Tamil Fadu Public Shon title and Prorrtty (Prevention cf Destruction and Loss) Act, 1982, commence- ment, (2) It shall come into force at once

2. Whoever,—Punishment for committing (i) commits mischief by doing any act in respect of mischief in respect of any public property whether movable or immovable or machinery and thereby causes loss o:' damage to the public property amount of one hundred rupees or upwards, or (ii) commits mischief by doing any act which causes or which he klow to be likely to cause a diminution of the supply of water to the public or to any person for any purpose or an inundation of, or obstruction to, any public drainage, or (lii) commits mischief by doing any act which renders any public zoad, bridge, navigable channel, natural or artifici(I impassable or less safe for travelling or con- veying property, or ('iv) commits mischief by fire or any c, plosive substance intending to cause or knowing it to be likely that he will thereby cause dt mage to any public property whether movable or i mmovable or machinel yto the amount of one hundred rupees or upwards shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine : * For Statement of Objécts and Reasons, see Tamil Nadu Govenment Gazette Extraordinary, dated the 19th February 1982, Part IV-Section 1, page 106. 06 Public [1982: TN. Åce29 Destruction and Loss) Provi&d that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence ofimptisonment for a term cf less than six months, Explanation.—For the purposes of this section,— (i) " mischief" shall have the same meaning as in section 425 of the Indian Penal Code (Central Act XLV of 1860) ; (ii) " public property whether movable or im- movable or machinery " means e. ny property or machinery owoed or controlled by,— (a) the State Government ; or (b) any local authority ; or the Tamil Nadu State Electricity Board ; or (d) any University in tnis State ; or (e) any co-operative soci(ty including a land development bank, registc red or deemed to registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961); or (f) any corporate body constituted under any Act passed by the Legislature of this State ; or (g) any other corporation owned or controlled by the State Government

3. WhoeverJ commits or instigates, incites or otherwise Punishment for abets the act of thioing stones, bricks, soda-bottles or throwing stones, bricks any material whatsoever upon tne persons travelling etc., upon persons travel- in any motor vehicle, shall be punishable with imprison- ling in motor ment for a term which shall not be less than six months but which may extend to five ye?as and with fine: vehicles, Provided that the court may, for any adequate and 1 --e.,sons to be mentioned in the judgment, impose a sentence of imprisonment for a term cf less than six months Explanation. —For the purposes of this section " motor shall have the s? me meaning as in clause (18) veniele " of section 2 of the Motor Vehicles Act, 1939 (Central Act of 19.39)

4. No person accused or convicted of an offence Special provi- Sion regarding punishable under section 2 or section 3 shall, if in custody, be released on bail or on his own bond unless the pro- secution has been given an opportunity to oppose the application for such release.5 1982: T.N. Act 29] Public Property (Preventionof 837 Destruction and Loss) 5. (1) When imposing a sentence of fint for fn offence order t Pay compen „tion. under tnis Act, the court may when passing judgment, order the whole or any part of the fine to be applied— (a) in defraying expenses propel ly incurréd in the prosecution ; (b) in the payment to any person of comp(Etnfion for any loss or injury caused by the offence ; (c) in replacing or, as the case may be, restoring to the previous state, the public property 01 machine] y including any public road, bridge, navigable channel, netural or artificial. (2) If the fine is imposed in a case which is subject to appeal, no svch pyyment shall be made before the peliod allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal. (3) An order under

this section may also be made by an Appellate Court or by the High Court or the Court of Session when exercising its powers of revision. (4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section

6. No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act. 7, The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

