

PRESENTATION

Section 133 & 144 Code of Criminal Procedure (CrPC)

For induction course of MCS batch 2021

Date: 20th September, 2021; Time: 4:00pm to 5:00 pm session.

By:

Smt. R. R. Marak, MCS

Jt. Secretary to the Govt. of Meghalaya, CM's Secretariat;
Director (Administration), MBOSE, Tura etc.

Section 144 CrPC

144 Power to issue order in urgent cases of nuisance or apprehended danger.

- Provides Immediate prevention or speedy remedy.
- Written order stating the material facts of the case.
- Can be passed ex parte.
- Order can be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

- Shall be in force 02 months provided that, if the State Government considers it necessary further extend it to six months.
- 144A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.

(A)
State
Observation or
Situation or
Circumstance

Whereas it has come to the notice of the undersigned | my notice | whereas it is observed that _____
There is an uncontrollable surge in Covid-19 cases in this district

(B)
What this will
lead to /
repercussions

And Whereas if this rise | surge in Covid -19 cases is not controlled | prevented – it could lead to epidemic resulting in rampant spread which could lead to mass loss of life.

(C)
Why remedial
steps need to be
taken / What
violation is
taking place

And Whereas, inorder to prevent mass loss of life and spread of one's serious illness | disease , steps need to be taken to ensure that protocols be observed and complied by the public urgently.

(D)
Order

Now therefore, I Smti/ Shri _____
IAS/MCS ; DM/ADM; in exercise of powers
conferred under Section 144 CrPC (read with – if
more sections need to be added from other Acts/
Rules/ Govt. Orders etc.) do hereby enforce the
following containment order-

- 1.
- 2.
- 3.

In view of the urgency of the matter, this order is
being passed Ex- parte

DM/ADM

UNDER SECTION 144 CrPC



11

DELHI POLICE

ORDER
(Under Section 144 of Criminal Procedure Code, 1973)

Whereas, based on declaration by World Health Organization on 11.03.2020 of the outbreak of COVID-19 as a global pandemic and notifications issued by the Government of India and Government of NCT of Delhi, it is apprehended that there is likelihood of fast and widespread community transmission of COVID-19. This poses a serious threat to human life, health and safety. Therefore, it has become necessary to take all required precautionary steps to mitigate the possible detrimental effects of the spread of COVID-19 for public health, public safety, and public order.

Now, therefore, in exercise of the power conferred upon me by Section 144 of the Criminal Procedure Code 1973 (No.2 of 1974) read with Government of India, Ministry of Home Affairs, New Delhi notification No.U-11036/3/1978(I)UTL dated 01.07.1978, I, S.N. Shrivastava, Commissioner of Police, Delhi promulgate the following prohibitory orders for maintaining public health, public safety and public order in Delhi:

1. Assembly of any kind for demonstrations, processions, protests etc is prohibited.
2. Any gathering social/cultural/political/religious/academic/sports/seminar / conference is prohibited.
3. Organisation of weekly markets (except for vegetables, fruits and essential commodities), concerts, exhibitions etc. is prohibited.
4. Guided group tours conducted by various private tour operators are prohibited.
5. Any individual suspected/confirmed with COVID-19 shall take measures for prevention/treatment i.e. home quarantine/institution quarantine/isolation or any such person shall cooperate to render assistance or comply with the directions of the surveillance personnel.
6. Any person contravening this order shall be punishable u/s 188 of Indian Penal Code.

As the notice cannot be served individually on all concerned, the order is, hereby, passed *ex-parte*. It shall be published for the information of public through press and affixing copies on the Notice Boards of the offices of all DCsP, Addl. DCsP, ACsP, Tehsils, all Police Stations and offices of the

- Whereas, based on declaration by World Health Organization on 11.03.2020 of the outbreak of Covid-19 as a global pandemic and notifications issued by the Government of India and Government of NCT of Delhi, it is apprehended that there is likelihood of fast and widespread community transmission of Covid-19.
- This poses a serious threat to human life, health and safety.
- Therefore, it has become necessary to take all required precautionary steps to mitigate the possible detrimental effects of the spread of Covid -19 for public health, public safety, and public order.

- Now, therefore, in exercise of the power conferred upon me by Section 144 of the Criminal Procedure Code, 1973 (No. 2 of 1974) read with Government of India, Ministry of Home Affairs, New Delhi notification No. U-11036/3/1978(I) UTL dated 01.07.1978, I, S.N. Shrivastava, Commissioner of Police, Delhi promulgate the following prohibitory orders for maintaining public health, public safety and public order in Delhi.

1. Assembly of any kind of demonstrations, processions, protests etc is prohibited.
2. Any gathering social/cultural/political/religious/academic/sports/seminar/conference is prohibited.

3. Organisation of weekly markets (except for vegetables, fruits and essential commodities), concerts, exhibitions etc. is prohibited.
4. Guided group tours conducted by various private tour operators are prohibited.
5. Any individual suspected/ confirmed with Covid-19 shall take measures for prevention/treatment i.e. home quarantine/institution quarantine/isolation or any such person shall cooperate to render assistance or comply with the directions of the surveillance personnel.

6. Any person contravening this order shall be punishable u/s 188 of Indian Penal Code.

As the notice cannot be served individually on all concerned, the order is, hereby, passed ex-parte. It shall be published for the information of public through press and affixing copies on the Notice Boards of the offices of all DCsP, Addl. DCsP, ACsP, Tehsils, all Police Stations and offices of the

Section 133 in the Code of Criminal Procedure, 1973

133. Conditional order for removal of nuisance.

(1) Whenever an Executive Magistrate on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers-

(a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or

(b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community.

(c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped; or

(d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood.

(e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or

(f) that any dangerous animal should be destroyed, confined or otherwise disposed of.

- A Conditional order may be passed to-
 - (i) to remove such obstruction or nuisance; or
 - (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or
 - (iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or
 - (iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or
 - (v) to fence such tank, well or excavation; or

(vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order; or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the Order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.
Explanation- A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.

CONDITIONAL ORDER

(U/S 133 CrPC)



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SUB-DIVISIONAL MAGISTRATE (DELHI CANTT.),
NEW DELHI DISTRICT
12/1, JAM NAGAR HOUSE, SHAHJAHAN ROAD, NEW DELHI-110011.

F.NO.133(1)/SDM/DC/2017/52

Dated: 7-7-17

Case No. 04/SDM/2017

Ramu & Others
E-Block, J.J. Colony, Inderpuri,
New Delhi-110012
Vs

Petitioners

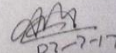
Smt. Gajjan
R/o E-304, J.J. Colony, Inderpuri
New Delhi

Respondent

CONDITIONAL ORDER (U/S 133 CrPC)

A complaint under Section 133 CrPC has been filed by Sh. Ramu and Others (Petitioners) thereby informing that Smt. Gajjan (Respondent) r/o E-304, J.J. Colony, Inderpuri alongwith her sons and daughter is running an illegal slaughter house at the above noted residential premises. It has further been submitted that the respondent is owning a shop in the E Block Market, J.J. Colony, Inderpuri to carry out the meat trade. Further, the whole process of slaughtering/ butchering of pigs is creating a public nuisance which is also detrimental to the peace and tranquility of the residents of the said colony and simultaneously creating unhygienic conditions thereby making the residents prone to disease etc. It has also been stated in the complaint that the respondent namely Smt. Gajjan is also operating an illegal LPG refilling centre in violation of the prescribed provisions of law. It has accordingly been prayed to get the operation of the illegal slaughter house and the LPG refilling stopped immediately and the respondents be also directed to remove the encroachment in the gali adjacent to her house i.e. E-304, J.J. Colony, Inderpuri.

The hearing was conducted in the matter on 20.06.2017. Sh. Sunil Soni, Advocate/ Counsel appearing on behalf of the respondent has filed his memo of appearance. It was submitted that a copy of the complaint filed under section 133 CrPC has not be furnished by the complainant which was provided today during the course of hearing by the Advocate/Counsel for the respondent. It has been further requested to grant a short date to file a reply to the application/complaint in this court.


07-7-17

SUNIL DUTT SHARMA
Sub Divisional Magistrate
Delhi Cantt.
12/1, Jam Nagar House,
Shahjahan Road, New Delhi-110011

GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI OFFICE OF THE SUB-DIVISIONAL
MAGISTRATE (DELHI CANTT.), NEW DELHI
DISTRICT

CONDITIONAL ORDER

(U/S 133 CrPC)

A complaint under Section 133 CrPC has been filed by Sh. Ramu and Others (Petitioners) thereby informing that Smt. Gajjan (Respondent) r/o E-304, J.J. Colony, Inderpuri alongwith her sons and daughter is running an illegal slaughter house at the above noted residential premises. It has further been submitted that the respondent is owning a shop in the E Block Market, J.J. Colony, Inderpuri to carry out the meat trade.

Further, the whole process of slaughtering/ butchering of pigs is creating a public nuisance which is also detrimental to the peace and tranquillity of the residents of the said colony and simultaneously creating unhygienic conditions thereby making the residents prone to disease etc. It has also been stated in the complaint that the respondent namely Smt. Gajjan is also operating an illegal LPG refilling centre in violation of the prescribed provisions of law. It has accordingly been prayed to get the operation of the illegal slaughter house and the LPG refilling stopped immediately and the respondents be also directed to remove the encroachment in the gali adjacent to her house i.e. E-304, J.J. Colony, Inderpuri.

The hearing was conducted in the matter on 20.06.2017. Sh. Sunil Soni, Advocate/Counsel appearing on behalf of the respondent has filed his memo of appearance. It was submitted that a copy of the complaint filed under section 133 CrPC has not be furnished by the complainant which was provided today during the course of hearing by the Advocate/Counsel for the respondent. It has been further requested to grant a short date to file a reply to the application/complaint in this court.

SUNIL DUTT SHARMA
Sub Divisional Magistrate
Delhi Cantt.
12/1. Jam Nagar House,
Shahjahan Road Now Delhi-110011
02-7-17

THANK YOU