



**The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu
Amendment) Act, 1960**

Act 25 of 1960

Keyword(s):

**Central Act Amendment, The Indian Penal Code and the Code of Criminal
Procedure Act, 1898**

**Amendments appended: 42 of 1980, 13 of 1982, 10 of 1990, 28 of 1993, 29 of
2003**

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¹[TAMIL NADU] ACT No. 25 OF 1960².

**THE INDIAN PENAL CODE AND THE CODE OF
CRIMINAL PROCEDURE (¹[TAMIL NADU]
AMENDMENT) ACT, 1960.**

[Received the assent of the President on the 25th October 1960; first published in the Fort St. George Gazette on the 9th November 1960 (Kartika 18, 1882).]

An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in their application to the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Indian Penal Code (Central Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Central Act V of 1898), in their application to the ³[State of Tamil Nadu] for the purposes hereinafter appearing ;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Penal Code and the Code of Criminal Procedure (¹[Tamil Nadu] Amendment) Act, 1960. Short title
and extent.

(2) It extends to the whole of the ³[State of Tamil Nadu].

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, See Fort St. George Gazette Extraordinary, dated the 6th April 1960, Part IV-A, pages 45-46.

³ This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Amendment of
section 292,
Central Act
XLV of 1860.

2. In section 292 of the Indian Penal Code (Central Act XLV of 1860) (hereinafter referred to as the said Code), for the words "shall be punished with imprisonment of either description for a term which may extend to three months or with fine or with both", the following shall be substituted, namely :—

"shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both :

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine ."

Insertion of
new section
292-A in Central
Act XLV of
1860.

3. After section 292 of the said Code, the following section shall be inserted, namely :—

"292-A. Printing, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.—Whoever—

(a) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail, or

(b) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail, or

(c) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation, or

(d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased, or

(e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be procured from or through any person, or

(j) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both :

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

Explanation I.—For the purposes of this section, the word ‘scurrilous’ shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person :

Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of—

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further ; or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

Explanation II.—In deciding whether any person has committed an offence under this section, the Court shall have regard, *inter alia*, to the following considerations:—

(a) the general character of the person charged, and where relevant, the nature of his business;

(b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.”

Amendment
of section
293, Central
Act XLV
of 1860.

4. In section 293 of the said Code—

(i) for the words “any such obscene object as is referred to in the last preceding section”, the words, figures and letter “any such obscene object as is referred to in section 292 or any such newspaper, periodical, circular, picture or other printed or written document as is referred to in section 292-A” shall be substituted;

(ii) for the words “which may extend to six months”, the words “which may extend to three years” shall be substituted;

(iii) in the marginal note, after the words “obscene objects”, the words “and grossly indecent or scurrilous matter or matter intended for blackmail” shall be inserted.

Amendment
of Central
Act V of
1898.

5. In the Code of Criminal Procedure, 1898 (Central Act V of 1898),—

(i) in sub-section (1) of section 521, after the word and figures “section 292”, the word, figures and letter “section 292-A” shall be inserted.

1960 :T.N. Act 25] *Indian Penal Code and the* 553
Code of Criminal Procedure
(Tamil Nadu Amendment)

(ii) in Schedule II, for the entries relating to sections 292 and 293, the following entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
"292	Sale, etc., of obscene books, etc.	Do.	Warrant.	Do.	Do.	Imprisonment of either description for two years, or fine, or both.	Presidency Magistrate of the first class.
292-A	Printing, sale, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.	Do.	Do.	Do.	Do.	Do.	Do.
293	Sale, etc., of obscene objects grossly indecent, or scurrilous matter or matter intended for blackmail to young persons.	Do.	Do.	Do.	Do.	Imprisonment of either description for three years, or fine, or both.	Do.

112 *Code of Criminal Procedure* [1980 ; T. N. Act 42
(*Tamil Nadu Amendment*)

TAMIL NADU ACT NO. 42 OF 1980.*

THE CODE OF CRIMINAL PROCEDURE (TAMIL
NADU AMENDMENT) ACT, 1980.

[*Received the assent of the President on the 21st November
1980, first published in the Tamil Nadu Government
Gazette Extraordinary on the 1st December 1980
(Karthigai 16, Rowthiri—2011—Tiruvalluvar Aandu).*]

*An Act to amend the Code of Criminal Procedure, 1973, in
its application to the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil Nadu
in the Thirty-first Year of the Republic of India as
follows :—

Short title
and extent.

1. (1) This Act may be called the Code of Criminal Pro-
cedure (Tamil Nadu Amendment) Act, 1980.

(2) It extends to the whole of the State of Tamil
Nadu.

Amendment
of section 24,
Central Act
2 of 1974.

2. In section 24 of the Code of Criminal Procedure,
1973 (Central Act 2 of 1974),—

(a) in sub-section (6), after the expression “sub-
section (5)”, the following shall be inserted, namely :—

“but subject to the provisions of sub-section
(6-A)”;

(b) after sub-section (6), the following sub-section
shall be inserted, namely :—

“(6-A) Notwithstanding anything contained in sub-
section (6), the State Government may appoint a person
who has been in practice as an advocate for not less than
seven years, as the Public Prosecutor or Additional Public
Prosecutor for the district and it shall not be necessary

* For Statement of Objects and Reasons, see *Tamil Nadu Gov-
ernment Gazette Extraordinary*, dated the 8th August 1980, Part IV
—Section 1, page 408.

to appoint the Public Prosecutor or Additional Public Prosecutor for the district from among the persons constituting the Cadre of Prosecuting Officers in the State of Tamil Nadu and the provisions of sub-sections (4) and (5) shall apply to the appointment of a Public Prosecutor or Additional Public Prosecutor under this sub-section.”;

(c) in sub-section (7), after the expression “sub-section (6)”, the expression “or sub-section (6-A)” shall be inserted.

790 *Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment)* [1982: T.N. Act 13]

TAMIL NADU ACT NO. 13 OF 1982*.

THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (TAMIL NADU AMENDMENT) ACT, 1982.

[Received the assent of the President on the 12th March 1982, first published in the Tamil Nadu Government Gazette Extraordinary, on the 13th March 1982 (Masi 29, Thunmathi, Thiruvalluvar Aandu-2013).]

An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973 in their application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows--

Short title,
extent and
commencement.

1. (1) This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 1982.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 21st September 1981.

Amendment of
section 292-A
Central Act
XLV of 1860.

2. In section 292-A of the Indian Penal Code (Central Act XLV of 1860),—

(i) for the words "shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both", the following shall be substituted, namely :—

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated 8th February 1982, Part IV—Section 1, page 10.

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“ shall be punished on first conviction with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine” ;

(ii) in the proviso, the words “ and not more than two years ” shall be omitted.

3. In the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

Amendment of
Central Act 2
of 1974.

(i) in sub-section (1) of section 455, after the word and figures “ section 292 ”, the word, figures and letter “ section 292-A ” shall be inserted ;

(ii) in the First Schedule, for the entries relating to section 293, the following entries shall be substituted, namely :—

(1)	(2)	(3)	(4)	(5)	(6)
*292-A	Printing, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.	On first conviction with imprisonment for 2 years, or fine or both, and in the event of second or subsequent conviction, with imprisonment for 5 years, and with fine.	Cognizable.	Non-bailable.	Any Magistrate.
293	Sale etc., of obscene objects to young persons.	On first conviction with imprisonment for 3 years, and with fine of 2,000 rupees and in the event of second or subsequent conviction, with imprisonment for 7 years and with fine, of 5,000 rupees.	Cognizable.	Bailable.	Any Magistrate.

792 *Indian Penal Code and the Code [1982: T.N. Act 13
of Criminal Procedure (Tamil
Nadu Amendment)*

**Repeal and
saving.**

4. (1) The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 12 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Penal Code (Central Act XLV of 1860) or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) as amended by the said Ordinance shall be deemed to have been done or taken under the said Indian Penal Code or the said Code of Criminal Procedure, as the case may be, as amended by this Act.

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ASSENTED TO
ON 20 APR 1990
Act. No. 10

Bill No. 31-F of 1990

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)

Act - BILL, 1990

(AS PASSED BY THE HOUSES OF PARLIAMENT)

an Act
BILL

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 19th day of February, 1990.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), in Chapter XII, after section 166, the following sections shall be inserted, namely:—

"166A. (1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to

Short title and commencement.

Insertion of new sections 166A and 166B.

Letter of request to competent authority for investigation in a country or place outside India.

the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

166B. (1) Upon receipt of a letter of request from a Court or an authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit,—

(i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or

(ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government for transmission to the Court or the authority issuing the letter of request, in such manner as the Central Government may deem fit."

3. (1) The Code of Criminal Procedure (Amendment) Ordinance, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Code of Criminal Procedure, as amended by the said Ordinance, shall be deemed to have been done or taken under the Code of Criminal Procedure, as amended by this Act.

Ord.
1 of 1990.

Letter of request from a country or place outside India to a Court or an authority for investigation in India.

Repeal and saving.



**TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 333]

MADRAS, TUESDAY, JUNE 22, 1993

AANI 8, SRIMUGA, THIRUVALLUVAR AANDU—2024

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 18th June 1993 and is hereby published for general information :—

ACT No. 28 OF 1993.

An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows :—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Criminal Laws (Tamil Nadu Amendment) Act, 1993.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,
extent and
commence-
ment.

PART-II.

AMENDMENTS TO THE INDIAN PENAL CODE.

2. Section 380 of the Indian Penal Code (hereafter in this Part referred to as the principal Act), shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

“ (2) Whoever commits theft in respect of any idol or icon in any building used as a place of worship shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to three years and with fine which shall not be less than two thousand rupees :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years. ”

Amendment
of section
380.

Amendment
of Section
411.

3. Section 411 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

“(2) Whoever dishonestly receives or retains any idol or icon stolen from any building used as a place of worship knowing or having reason to believe the same to be stolen property shall, notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than two years but which may extend to three years and with fine which shall not be less than two thousand rupees:—

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years.”.

Amendment
of section
454.

4. Section 454 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

“(2) Whoever commits lurking house-trespass or house-breaking in any building used as a place of worship, in order to the committing of the offence of theft of any idol or icon from such building, shall notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than three years but which may extend to ten years and with fine which shall not be less than five thousand rupees:—

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years.”.

Amendment of
section 457.

5. Section 457 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered the following sub-section shall be added, namely:—

“(2) Whoever commits lurking house-trespass by night or house-breaking by night in any building used as a place of worship, in order to the committing of the offence of theft of any idol or icon from such building, shall, notwithstanding anything contained in sub-section (1), be punished with rigorous imprisonment which shall not be less than three years but which may extend to fourteen years and with fine which shall not be less than five thousand rupees:—

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years.”.

PART—III.

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE.
1973.

Central Act
of 1974.

6. In section 427 of the Code of Criminal Procedure, 1973. Amendment of
after sub-section (1), the following sub-section shall be inserted, namely:— section 427.

Central Act
of 1860.

“(1-A) Notwithstanding anything contained in sub-section (1), when a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment under sub-section (2) of section 380 of the Indian Penal Code for an offence of theft of any idol or icon in any building used as a place of worship, such imprisonment shall commence at the expiration of the imprisonment to which he has been previously sentenced.”

(By order of the Governor.)

Date :

M. MUNIRAMAN,
Secretary to Government, Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

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CHENNAI, MONDAY, SEPTEMBER 22, 2003
Purattasi 5, Subhanu, Thiruvalluvar Aandu-2034

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 17th September 2003 and is hereby published for general information:--

Act No.29 of 2003.

An Act further to amend the Code of Criminal Procedure, 1973 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:--

1. (1) This Act may be called the Code of Criminal Procedure (Tamil Nadu Amendment) Act, 2003.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

2. In section 167 of the Code of Criminal Procedure, 1973,--

(1) in the proviso to sub-section (2), for clause (b), the following clause shall be substituted, namely:--

“(b) no Magistrate shall authorise the detention of an accused person under this section,—

(i) if the accused is in the custody of police, unless the accused is physically produced before him; and

(ii) if the accused is detained otherwise than in the custody of police, unless the accused is produced before him either in person or through the media of electronic video linkage”.

(2) in the Explanation-II under sub-section (2), after the expression “an accused person was produced”, the expression “in person or, as the case may be, through the media of electronic video linkage” shall be inserted.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.

Short title,
extent and
commence-
ment.

Amendment of
section 167.