

In who tried to
prevent him from so



**ASSIGN
BUSTER**

In R v. Bholu [(1927) 8 Lah 331], a cow of a person was seized lawfully and impounded in the cattle-pound.

The owner of the cow proceeded to the cattle-pound, opened the lock, entered and drove off the cow after slightly causing injury to the watchman who tried to prevent him from so doing. It was held that the accused was guilty of criminal trespass, as his act amounted to an entry into the property in the possession of another person with intent to commit an offence and to intimidate the man in charge of the premises. In R v.

Jiwan Singh [1908 RR. No. 17 of 1908], a person entered the house of another person with intent to have illicit intercourse with that person's widowed sister. It is held that the accused entered with a guilty mind to commit an offence under Section 447, because the illicit intercourse was bound to cause great annoyance to that person. In State of Maharashtra u. Tanba Sadashiv Kumbi [AIR 1964 Bom 82], the accused, the Vice Chairman of a school committee entered the school premises which were under the possession and control of the Head Master and actually beat two boys and abused the Head Master. He also threatened the Head Master of physical harm as soon as he came out of the school.

The Bombay High Court held that this case would be covered by the second part of Section 441 of IPC. The following acts have been held by different courts not be criminal trespass: 1. Where the accused secretly entered an exhibition building without a ticket, but without any of the intents specified in Section 441. 2. Where a person effected on entry into a market through a

bamboo. Hence instead of through the proper gate with intent to evade payment of market dues.

3. Where the accused continued in possession of the tenanted premises even after the expiry of the lease period. 4. Where certain hutment dwellers of Bombay were facing demolition for having erected their huts on public footpaths and pavements as they did not intend to commit an offence or to intimidate, insult or annoy any person in possession and the act was the dictate of their moral right to survive and their state of helplessness.

The offence under Sections 441 & 447 is cognizable, but summons should, ordinarily, issue in the first instance. It is bailable and compoundable, and is triable by any Magistrate summarily.