

# [A there for custody. where the accused,](https://assignbuster.com/a-there-for-custody-where-the-accused/)

A part of the language used in section 103 of the Code has been used in section 380 also.

The word ‘ building’ means a permanent edifice of some kind. The use of this word along with the words ‘ tent’ and ‘ vessel’ goes on to show that there must be some kind of a structure intending some kind of a protection to the persons living there or for the property placed there for custody. Where the accused, who had also sent his tender like some others for constructing a car parking on a certain plot of land against which land acquisition proceedings were already going on, demolished the structure and removed the materials before the closing of the acquisition proceedings and before his tender was accepted, it was held that offence under this section had been committed.

But where a municipal council removed the petitioner’s wooden stall despite a court injunction to the contrary, it was held that this section would not be attracted because the complainant himself had admitted that this was done after a notice to this effect was served upon him, and thus acting forcibly and without jurisdiction did not necessarily mean acting dishonestly. The offence under this section is cognizable, non-bailable and non-compoundable, and is triable by any magistrate.