

CRIMINAL TRESPASS

Offences against property

(Chapter XVII)

Of Criminal Trespass (ss 441- 462)

- **441 Criminal trespass**
- Whoever **enters** into or upon property in the **possession of another** with **intent to commit** an offence or to **intimidate, insult or annoy** any person in **possession** of such property, or having lawfully entered into or upon such property, **unlawfully remains** there **with intent** thereby to **intimidate, insult or annoy** any such person, or with **intent to commit** an offence, is said to commit "criminal trespass".

1. Enters into or upon property in the possession of another with
 - a) intent to commit an offence or
 - b) to intimidate, insult or annoy any person in possession of such property, or
2. Having lawfully entered into or upon such property, unlawfully remains there
 - with intent thereby to intimidate, insult or annoy any such person, or
 - with intent to commit an offence

- **442 House trespass**
- Whoever commits **criminal trespass** by **entering** into or **remaining** in any **building, tent or vessel** used as a human **dwelling** or any building used as a place for **worship**, or as a place for the **custody of property**, is said to commit "house-trespass".
- **Explanation.**-The introduction of **any part** of the criminal trespasser's body is entering sufficient to constitute house-trespass.

- **442 House trespass**
- commits **criminal trespass** by **entering** into or **remaining**
- **building, tent or vessel** used as a
 - human **dwelling** or
 - place for **worship**, or
 - **custody of property**,
- Expln - introduction of **any part is** sufficient

- **443 Lurking house-trespass**
- Whoever commits **house-trespass** having taken precautions to **conceal** such house-trespass from some **person** who has a **right** to **exclude** or **eject** the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass".

- **S 445 House breaking**

- A person is said to commit "house-breaking" who commits **house-trespass** if he effects his **entrance** into the house or any part of it in any of the **six ways** hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or, having committed an offence therein, he **quits** the house or any part of it in any of such six ways, that is to say:-
 - **First.**-If he enters or quits through a **passage** by **himself**, or by any **abettor** of the house-trespass, in order to the committing of the house-trespass.
 - **Secondly.**-If he enters or quits through any **passage not intended** by any person, other than himself or an abettor of the offence, for **human entrance**; or through any passage to which he has obtained access by **scaling** or **climbing** over any wall or building.

- **Thirdly.**-If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that **passage was not intended** by the occupier of the house to **be opened**.
- **Fourthly.**-If he enters or quits by opening any **lock** in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.
- **Fifthly.**-If he effects his entrance or departure by **using criminal force** or committing an **assault** or by **threatening** any person with assault.
- **Sixthly.**-If he enters or quits by any **passage** which he knows to have been **fastened** against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.
- **Explanation.**-Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

• Illustrations

- (a) A commits house-trespass by making a **hole** through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.
- (b) A commits house-trespass by **creeping** into a ship at a port-hole between decks. This is house-breaking.
- (c) A commits house-trespass by entering Z's house through a **window**. This is house-breaking.
- (d) A commits house-trespass by entering Z's house through the door, having opened a **door which was fastened**. This is house-breaking.
- (e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a **hole in the door**. This is house-breaking.
- (f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the **door with that key**. This is house-breaking.
- (g) Z is standing in his doorway. A forces a passage **by knocking Z down**, and commits house-trespass by entering the house. This is house-breaking.
- (h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by **threatening to beat him**. This is house-breaking.

- **444 Lurking house-trespass by night**
- Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night".
- **446 House-breaking by night**
- Whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night".
- **456 Punishment for lurking house-trespass or house-breaking by night**
- Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

- **447 Punishment for criminal trespass**

- Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, with fine or which may extend to five hundred rupees, or with both.

- ED-3m+F500/B

- **448 Punishment for house-trespass**

- Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or which may extend to one thousand rupees, or with both.

- ED-1yr/F1000/B

- **453 Punishment for lurking house-trespass or house-breaking**

- Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

- ED-2yrs+F