

Cantonments Act, 1924

Section 238 - Removal and Exclusion from Cantonments of Disorderly Persons

(1) A¹[Judicial Magistrate of first class] having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment --

(a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming

house, a disorderly drinking shop or a disorderly house of any other description, or

(b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter

XVII of the Indian Penal Code (45 of 1860), or

²[***]

(d) has been ordered under Chapter VIII of the³[Code of Criminal Procedure, 1973 (2 of 1974)], either within the cantonment

or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove there from and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the⁴[Officer Commanding the station], and, if the⁴[Officer Commanding the station]⁵[so agrees], shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the⁵[Officer Commanding the station].

1. Substituted by Act 15 of 1983, section 135, for "Magistrate of the first class" (w.e.f. 1-10-1983).

2. Clause (c) omitted by Act 15 of 1983, section 135 (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 135, for "code of Criminal Procedure, 1898" (w.e.f. 1-10-1983).

4. Substituted by Act 7 of 1925, section 14, for "Commanding Officer of the cantonment".

5. Substituted by Act 15 of 1983, section 135, for "so directs" (w.e.f. 1-10-1983).

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