

Railways (Second Amendment) Act, 2003

Section 5 - Insertion of New Sections 180a to 180g

After section 180 of the principal Act, the following sections shall be inserted, namely:--

"180A. Inquiry by officer authorised to ascertain commission of offence. For ascertaining facts and circumstances of a case, the officer authorised may make an inquiry into the commission of an offence mentioned in sub-section (2) of section 179 and may file a complaint in the competent court if the offence is found to have been committed.

180B. Powers of officer authorised to inquire. While making an inquiry, the officer authorised shall have power to,--

- (i) summon and enforce the attendance of any person and record his statement;
- (ii) require the discovery and production of any document;
- (iii) requisition any public record or copy thereof from any office, authority or person;
- (iv) enter and search any premises or person and seize any property or document which may be relevant to the subject-matter of the inquiry.

180C. Disposal of persons arrested. Every person arrested for an offence punishable under sub-section (2) of section 179 shall, if the arrest was made by a person other than the officer authorised, be forwarded, without delay, to such officer.

180D. Inquiry how to be made against arrested person. (1) When any person is arrested by the officer authorised for an offence punishable under this Act, such officer shall proceed to inquire into the charge against such person.

(2) For this purpose, the officer authorised may exercise the same powers and shall be subject to the same provisions as the officer in charge of a police station may exercise and is subject to the provisions of the Code of Criminal Procedure, 1973(2 of 1974), when investigating a cognizable case:

Provided that--

- (a) if the officer authorised is of the opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;
- (b) if it appears to the officer authorised that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer authorised may direct, to appear, if and when so required, before the Magistrate having jurisdiction.

180E. Search, seizure and arrest how to be made. All searches, seizures and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973(2 of 1974), relating respectively to searches and arrests made under that Code.

180F. Cognizance by Court on a complaint made by officer authorised. No court shall take cognizance of an offence mentioned in sub-section (2) of section 179 except on a complaint made by the officer authorised.

180G. Punishment for certain offences in relation to inquiry. Whoever intentionally insults or causes any interruption in the inquiry proceedings or deliberately makes a false statement before the inquiring officer shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."
