

## **Some Public (Crime and Punishment) Act, 2027 (1970)**

Date of Authentication and Publication

2027.6.18

### **Amendments:**

1. Some Public (Crime and Punishment) (First Amendment) Act, 2031 2031.6.20
2. Some Nepal Acts (Amendment) Act, 2039 2039.8.6
3. Administration of justice Act, 2048 2048.2.16
4. Some Public (Crime and Punishment) (Second Amendment) Act, 2049 2049.7.17
5. Republic Strengthening Some Nepal Law Amendment Act, 2066 2066.10.7

### **An Act made to Control Some Public Crime and to provide Punishment thereof**

**Preamble:** Whereas it is expedient to control some public crimes and to provide punishment thereof to maintain peace and order in different parts of <sup>३</sup>.....Nepal and in order to maintain convenience, good conduct and morality of general public.

Now, therefore, His Majesty King Mahendra Bir Bikram Shah Dev has, on advice and with consent of the National Panchayat enacted this Act.

**1. Short title, extent and commencement:** (1) This Act may be called "Some Public (Crime and Punishment) Act, 2027.

(2) This Act shall extend all over<sup>३</sup>.....Nepal.

(3) This Act shall come into force immediately.

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<sup>३</sup> Omitted by Republic Strengthening Some Nepal Laws Amendment Act, 2066.

2. **Prohibition to commit some public crime:** (1) No person shall commit any of the following acts:

- (a) To hinder or obstruct any public servant from discharging his/her official duty by committing battery or riot or by any other way;
- (b) To break public peace by committing battery or riot in any public place;
- (c) To break public peace or to make obscene show by using obscene speech, word or gesture in public place.
- + (c1) To print or publish any obscene materials by using obscene language or by any word or picture which denotes obscene meaning; or to exhibit or sell or distribute such obscene publication in public place other than the purpose of public health or health science;
- (d) To cause undue hindrance in the regular operation of postal service, communication, transportation, electricity supply or any other such essential social service;
- (e) To trespass on any governmental or non-governmental office or anyone's building or land by committing riot; or to stay or remain there in without any authority;
- ⊕ (f) To damage any public or private property by committing riot or pelting stone or by any other way.

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+ Inserted by Some Nepal Acts (Amendment) Act, 2039.

\* Inserted by Some Public (Crime and Punishment) (Second Amendment) Act, 2031.

- (g) To insult women in public place by committing molestation (*Hatapata*);
- <sup>⊕</sup>(h) To make undue behaviour in public place.
- <sup>⊕</sup>(i) To hinder or obstruct anyone or to stop his/her pathway or passage in a condition when he/she is staying anywhere or walking on the road or traveling by any vehicle; or to commit riot, molestation, battery, nuisance or misconduct; or to capture or damage any property or vehicle of such person having with him/her in the said condition with keeping intention to harass or cause trouble him/her;
- <sup>⊕</sup>(j) To threat or scold or tease or to commit any undue act or to express any undue thing to anyone through telephone, letter or any other means or medium with keeping intention to intimidate, terrorize or cause trouble or to insult or defame or harass to him/her;
- <sup>⊗</sup>(k) To commit any act or express anything, which causes intimidation or terror in general public and breaks public peace, by entering or not entering in any public gathering, assembly or demonstration; or to show weapon.

3. **Power to arrest**: (1) The police staff may arrest the person without a warrant if he/she finds him/her on the spot committing any of the crimes mentioned Section 2.

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<sup>⊕</sup> Inserted by Some Public (Crime and Punishment) (First Amendment) Act, 2031.

<sup>⊗</sup> Inserted by Some Public (Crime and Punishment) (Second Amendment) Act, 2049.

(2) The chief police officer of a local police station not below the rank of the sub-inspector may, in the course of investigation based on a reasonable complaint lodged by anyone which gives reliable information or there is reasonable doubt that a person has committed any of the crime defined under Section 2, issue a warrant to arrest him/her

Provided that, the person so arrested shall be produced before the adjudicating authority within a period of Twenty Four hours after such arrest, excluding the time necessary for the journey from the place of arrest to such authority and such person shall not be detained in custody beyond the said period except on the order of such authority.

**\*4. Limitation to file a case:** (1) Any case under this Act shall be filed within a period of Seven days from the date of the commission on an offence.

(2) Notwithstanding anything contained in Sub-section (1) if an aggrieved person intends to file a case under this Act, he/she shall lodge a complaint with the police against an offender within a period of Seven days excluding the time of journey, from the date of the occurrence of the offence. In such case, the limitation to file a case pursuant to Sub-section (1) shall be deemed to be commenced from the date when the complaint has been lodged.

Provided that, the adjudicating authority may, if he/she is satisfied with reasonable ground that the case cannot be filed within a period of Seven days from the commission of the offence, extend the limitation in order to file the case upto Thirty Five days from the date of commission of the offence.

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\* Amended by Some Public (Crime and Punishment) (First Amended) Act, 2031

**\*5. Adjudicating authority and procedure:** (1) The Chief District Officer shall have the power of original jurisdiction to initiate the proceeding and adjudicate case under this Act.

(2) The Chief District Officer shall, while initiating the proceeding and adjudicate a case, follow the procedure pursuant to Special Court Act,- 2059.

(3) An appeal against the decision made by the Chief District Officer pursuant to Sub-section (1) shall lie before the Court of Appeal.

**\*6. Penalty:** (1) In a case tried under this Act, the Chief District Officer may, upon depending on the gravity of the offence, impose a fine of upto Ten Thousand Rupees to the offender and order the offender to provide compensation to the victim as per the actual damage, loss, injury etc; and issue an order of detention to keep the offender in a custody for a period not exceeding Thirty Five days if finds reasonable ground or cause in the course of investigation upon mentioning the cause thereof in the order. Such case shall be decided within a period of Three months.

Provided that, if the Chief District Officer finds reasons to impose imprisonment to the offender as only the penalty of a fine is not adequate, he/she shall refer the case before the Court of Appeal in order to impose the penalty of imprisonment for a period not exceeding Two years. The Court of Appeal shall decide the matter in such case.

(2) Adjudicating Authority may, by considering the gravity of the offence, release the offender if it is proved that he/she has committed the offence for the first time, without imposing the penalty pursuant to Sub-

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\* Amended by Some Public (Crime and Punishment) (First Amendment) Act, 2031

> Amended by Administration of justice Act, 2048.

section (1) upon causing him/her to sign on a document which reads that the offender pledge not to commit such offence again from the date onwards.

7. **Government of Nepal to be plaintiff:** Government of Nepal shall be plaintiff in a case under this Act.
8. **Case may be filed under prevailing laws:** A case may be filed under other prevailing Nepal law in the offence under this act if it is also punishable under any other prevailing law.

Provided that, no person shall be prosecuted and punished under other laws for the same offence <sup>⊗</sup> ..... in which he/she has already been prosecuted and punished under this Act.

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<sup>⊗</sup> Omitted by Some Public (Crime and Punishment) (Second Amendment) Act, 2049.