

**THE CRIMINAL LAW (HIMACHAL PRADESH AMENDMENT)
ACT, 1997**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Amendment of Central Act No. 45 of 1860.
3. Amendment of Central Act No. 2 of 1974.

**THE CRIMINAL LAW (HIMACHAL PRADESH AMENDMENT)
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(ACT NO. 19 OF 1997)¹

(Received the assent of the President on 30th August, 1997, and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 17th September, 1997, pp. 3785-3790).

An Act further to amend the Indian Penal Code, 1860 (Act No. 45 of 1860) and the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), in their application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Criminal Law (Himachal Pradesh Amendment) Act, 1997.

(2) It extends to whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. Amendment of Central Act No. 45 of 1860.- After section 304-A of the Indian Penal Code, 1860, in its application to the State of Himachal Pradesh, the following section shall be added, namely:-

"304-AA. Causing death or injury by driving a public service vehicle while in a state of intoxication.- Whoever, while in a state of intoxication, drives or attempts to drive a public service vehicle and causes the death of any person not amounting to culpable homicide, or causes any bodily injury likely to cause death, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, as if the act by which death or bodily injury is caused, is done with

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 31st March, 1997 pp. 1101 and 1104.

the knowledge that he is likely by such act to cause death or cause such bodily injury as is likely to cause death.

Explanation.- "Public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxicab, a motorcab, contract carriage and stage carriage ".

3. Amendment of Central Act No. 2 of 1974.- In the First Schedule to the Code of Criminal Procedure, 1973, under the heading "1. OFFENCES UNDER THE INDIAN PENAL CODE", after the entries relating to section 304-A, the following entries shall be inserted, namely :-

1.	2	3	4	5	6
"304-AA	Causing death or injury by driving a public service vehicle while in a state of intoxication	Imprisonment for life, or imprisonment for seven years and fine	Ditto	Non-bailable	Court of Session"