

Complaint concerning nuisances.

431. (1) Any person who resides in the City may complain to a Magistrate of the First Class having jurisdiction therein of the existence of any nuisance or that in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249 or 292 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he seems fit, direct the Commissioner—

(a) to put in force any of the provisions of this Act or of any rule, regulation or by-law or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3) Subject to the provisions of section 432 it shall be incumbent on the Commissioner to obey every such order.

(4) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any Act done in the exercise of any power conferred by section 156, 157, 175, 176, 177, 249, or 292 to recover damages for the same.

Appeal to the ¹[Criminal Appellate Court] by a Magistrate under section 431 within one month of the date thereof.

432. (1) An appeal shall lie to the ¹[Criminal Appellate Court] from an order passed by a Magistrate under section 431 within one month of the date thereof.

(2) The ¹[Criminal Appellate Court] may, when disposing of an appeal under sub-section (1), direct by whom and in what proportions, if any the costs of the appeal are to be paid, and costs so directed to be paid may, on application to a Magistrate of the First Class having jurisdiction in the City, be recovered by him, in accordance with the direction of the ¹[Criminal Appellate Court], as if they were a fine imposed by himself.

(3) When an appeal has been preferred to the ¹[Criminal Appellate Court] under this section the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forth with give effect to the order passed in such appeal by the ¹[Criminal Appellate Court] or, if the order of the Magistrate has not been disturbed by the ¹[Criminal Appellate Court], then to his order.

(4) The ¹[Criminal Appellate Court] may, from time to time, make rules for regulating the admission of appeals under sub-section (1) and the procedure to be followed in the adjudication thereof.

IX. Arrest of Offenders.

Offenders against this Act may in certain cases be arrested by police officers.

433. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or by-law, if the name and address of such person be unknown to him, and if such person, on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

²(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the ³[nearest Judicial Magistrate], for a longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.]

1. These words were substituted for the words "Sessions Court" by Guj. 8 of 1968, s. 8 (3).

2. Sub-section (2) was substituted for the original by the Adaptation of Laws Order, 1950.

3. These words were substituted for the words "nearest Magistrate" by Bom. 8 of 1954, s. 2, Sch., Part III.