

¹**124. Opening or not properly shutting gates.** In either of the following cases, namely:-

- (a) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway,
- (b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished ³[imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both].

125. Cattle trespass.-(1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to ³[fifty] rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871 (I of 1871).

(2) If any cattle are willfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle or, at the option of the railway administration, the owner of the cattle shall be punished with fine which may extend to ³[fifty] rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871 (I of 1871).

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle-trespass Act, 1871(I of 1871).

(4) The expression “public road” in sections 11 and 26 of the Cattle-trespass Act, 1871(I of 1871), shall be deemed to include a railway, and any railway employee any exercise the powers conferred on officers of police by the former of those sections.

(5) The word “cattle” has the same meaning in this section as in the Cattle-trespass Act, 1871 (I of 1871).

²**126. Maliciously wrecking or attempting to wrecktrain.** If a person unlawfully—

- (a) puts or throws upon or across any railway any wood, stone or other matter or thing, or
- (b) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

¹Cf. the Railways Clauses Act, 1845 (8 & 9 Vict., c. 20), s. 15.

² Cf. the Malicious Damage Act, 1861 (24 & 25 Vict., c. 97), s. 35, and the Offences against the Person Act, 1861 (24 & 25 Vict., c. 100) s. 32.

³ Subs. by Act IV of 1995, ss. 35 & 36.