

Prevention Of Corruption (Amendment) Act, 2007

7 of 2007

[26 February 2007]

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An Act to amend the Prevention of Corruption Act, Samvat 2006. Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-eighth Year of the Republic of India as follows: -

1. Short Title And Commencement :-

- (1) This Act maybe called the Prevention of Corruption (Amendment) Act, 2007.
- (2) It shall come into force from the date of its publication in the Government Gazette.

2. Amendment Of Section 6, Act Xiii Of Samvat 2006 :-

I n the Prevention of Corruption Act, Samvat 2006 (hereinafter referred to as the principal Act),-

- (a) the existing section 6 shall be re-numbered as sub-section (1) thereof;
- (b) the existing Explanation after sub-section (1) as so numbered shall be numbered as sub-section (2) thereof and the word Explanation appearing at its beginning shall be deleted; and
- (c) after sub-section (2) as so numbered, the following sub-sections shall be added, namely: -
 - (3) Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989,-

(a) no finding, sentence or order passed by a Special Judge shall be reserved or altered by a court in appeal, confirmation or revision on the ground of any error, omission or irregularities in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;

(b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any enquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice, the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

Explanation: - For the purposes of this section,-

(a) error includes competency of the authority to grant sanction;

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

3. Amendment Of Section 8-B, Act Xiii Of Samvat 2006 :-

In section 8-B of the principal Act,-

(i) at the end of sub-section (1), the following Explanation shall be added, namely:-

Explanation. For purposes of this section attachment, shall include temporarily assuming the custody, possession and /or control of such property.; and

(ii) in sub-section (3), for the words seven days, the words twenty-one days shall be substituted.