

THE CRIMINAL LAW AMENDMENT ACT, 1958.

No. 2 OF 1958

[27th February, 1958]

An Act further to amend the Indian Penal Code, the Prevention of Corruption Act, 1947, and the Criminal Law Amendment Act, 1952.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Criminal Law Amendment Act, 1958.

Amendment of section 21, Act 45 of 1860.

2. In section 21 of the Indian Penal Code,—

(a) after clause *Eleventh*, the following clause shall be inserted, namely:—

“*Twelfth*.—Every officer in the service or pay of a local authority or of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act or of a Government company as defined in section 617 of the Companies Act, 1956.”;

1 of 1956.

(b) after *Explanation 3*, the following *Explanation* shall be inserted, namely:—

Explanation 4.—The expression, “corporation engaged in any trade or industry” includes a banking, insurance or financial corporation, a river valley corporation and a corporation for supplying power, light or water to the public.’

Amendment of Act 2 of 1947.

3. In the Prevention of Corruption Act, 1947,—

(a) in section 5, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Any public servant who commits criminal misconduct in the discharge of his duty shall be punishable with imprisonment for a term which shall not be less than one

year but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any special reasons recorded in writing, impose a sentence of imprisonment of less than one year.

(2A) Where a sentence of fine is imposed under sub-section (2), the court, in fixing the amount of fine, shall take into consideration the amount or value of the property which the accused person has obtained by committing the offence of criminal misconduct or where the conviction is based on the presumption under sub-section (3), the pecuniary resources or property referred to in that sub-section for which the accused person is unable to account satisfactorily.”;

(b) after section 7, the following section shall be inserted, namely:—

“8. Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under section 161 or section 165 of the Indian Penal Code or under sub-section (2) of section 5 of this Act, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under section 165A of the said Code.”.

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45 of 1860.

4. In the Criminal Law Amendment Act, 1952, in section 8, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment
of sec-
tion 8,
Act 46 of
1952.

“(3A) In particular, and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of section 350 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the proceedings before a Special Judge, and for the purposes of the said provisions a Special Judge shall be deemed to be a magistrate.”.

5 of 1898.