

The Orissa Special Courts (Repeal and Special Provisions) Act, 1995

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Rule

THE-ORISSA-SPECIAL-COURTS-REPEAL-AND-SPECIAL-PROVISIONS of 1995

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The Orissa Special Courts (Repeal and Special Provisions) Act, 1995Published vide Orissa Gazette Extraordinary No. 935-Dated/16.8.1995 - Notification No. 11147 Legislative dated 16.8.1995.(Assented to by the Governor on the 12th August, 1995)An Act to Repeal the Orissa Special Courts Act, 1990 and to provide for the trial of cases pending thereunder by the Special Judges under the Prevention of Corruption Act, 1988Be it enacted by the Legislature of the State of Orissa in the Forty-sixth Year of the Republic of India, as follows :

1. Short title.

- This Act may be called the Orissa Special Courts (Repeal and Special Provisions) Act, 1995.

2. Repeal and savings.

(1)The Orissa Special Courts Act, 22 of 1990 (hereinafter referred to as the said Act) is hereby repealed.(2)Except as otherwise provided in Section 3, the provisions of the Section 5 of the Orissa General Clauses Act, 1 of 1937 shall apply to such repeal.

3. Special Provisions.

(1)All cases pending before the Special Court established under Section 3 of the said Act immediately before the commencement of this Act shall stand transferred to the respective Special Judges under the Prevention of Corruption Act, 49 of 1988 and such cases shall be tried from the

stage at which they stood on the date of such commencement, as if they were instituted before or taken cognizance by, the said Special Judge.(2)All proceedings before the authorised officer for confiscation under Chapter III of the said Act shall abate but in respect of money and other properties involved in such proceedings, the attachment proceedings may be taken under the Criminal Law (Amendment) Ordinance, 38 of 1994 and notwithstanding the fact that such proceedings are to taken or not, it shall be lawful for the respective Special Judges so pass orders of confiscation at the conclusion of the trial.(3)Save as provided in Sub-section (2), where orders of confiscation have been made under the said Act, such orders shall be deemed to be orders of attachment made under the provisions of the Criminal Law (Amendment) Ordinance, 38 of 1944 and shall be carried into effect accordingly.Explanation. - The expression 'respective Special Judges' shall mean the Special Judges, appointed under Section 3 of the Prevention of Corruption Act, 49 of 1988 for the area within which the offence was committed or, appointed to try the offence referred to in Clause (c) of Sub-section (1) of Section 13 of that Act, as the case may be.