

## Special Courts.

### Sections:

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- 442 Mediation Conciliation Panel.
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## # Section 442: Mediation Conciliation Panel.

- Mediation means intervention of some third party in a dispute with the intention to resolve a dispute.
- Conciliation means adjusting / settling disputes in a friendly manner through extra judicial means.
- CG ⇒ maintains a panel of experts
  - ↓
  - known as MCP
  - ↓
  - for mediation between the parties during the pendency of proceedings before CG, Tribunal, Appellate Tribunal.
- Panel ⇒ will consist of experts as prescribed.
- Any parties to proceedings
  - ↓
  - can make an application with prescribed fees in prescribed form.
- Fees / Terms & conditions / procedure ⇒ as may be prescribed.
- MCP
  - ↓
  - should dispose off the matter within 3 months from date of reference.



## # Section 443: Who will appoint Company Prosecutor.

→ CG to appoint for any case  
class of cases  
area } ⇒ one or more persons  
as company prosecutors.

→ person appointed will have



lower 4/5 24 of Criminal Procedure Code.

## # Section 444: Appeal against Acquittal. [person against whom evidence not found but Co. / person wants additional court proceedings].

CG → direct.

any company  
prosecutor.

authorise any  
person

either by  
his

or

by virtue of  
his office.



to present an appeal from an order of acquittal.

→ All orders are appealable except High Court.

## # Section 435: Special Courts.

→ have only a single judge  
↓  
who will be a session judge <sup>OR</sup> additional session judge.

→ offence

①

< 2 yrs.

↓

Metropolitan Magistrate/  
Judicial Magistrate of  
first class.

②

2 yrs. or more

↓

Special Court.

## # Section 436: Summary Trial.

→ only those cases where imprisonment  $\leq$  3 years.

→ can sentence to imprisonment → only for 1 year.

→ If imprisonment  $>$  1 year  $\Rightarrow$  Regular Trial.

Amendment

# Section 454A: Double penalty for same default.

If an officer/ Co. → commits same default again within 3 yrs from date of order of imposing penalty by RD/ adjudicating officer

↓

he shall be liable for second/ subsequent default for an amount = twice the amt. of penalty provided for such default under relevant provisions of this Act.



## # Section 454: Adjudication of penalty.

→ CG may appoint any of its officer  $\neq$  below the rank of ROC as adjudicating officer (AO).

→ Before adjudging penalty, AO → issues show cause notice → to Co./officer/person who has defaulted.

to reply,  
within such period as specified in notice (minimum 15d, maximum 30d) as to why penalty shall not be imposed on it/him. [Exters<sup>n</sup>: max. 15d]

→ notice → indicate a) nature of non compliance / default.  
b) maximum penalty to be levied.

\* → After considering the reply,  
AO = opinion that physical appearance is required,  
he issues notice < 10 days of reply fixing a date of appearance of such Co. through authorised representative or officer of such Co.

→ After giving opportunity of being heard,

AO ⇒ pass any order in writing.

# → AO → pass order

< 30 days of the expiry of period specified in part 2 where physical appearance ≠ required.

< 90 days where physical appearance is required.

# In case of delay ⇒ reasons should be specified.  
 & No order is invalid just because it is passed after expiry of 30 d / 90 d respectively.

→ Every order should be dated & signed by AO & clearly state reasons for physical appearance of offender & send a copy to Co. / person in default. / CG.

→ If a person fails to appear in person  
 ↓  
 AO = levy penalty.

→ While adjudging quantum of penalty, AO considers SIRNN

→ Penalty = paid through MCA portal only & in no case shall be less than minimum penalty prescribed.

→ All sums → credited → Consolidated Funds of India.