



'CORRUPTION, A CRIME AGAINST NATION'

Vigilance & Anti-Corruption Bureau

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No.P-520/2017

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Sub:- Attachment of money & properties in corruption cases –
Procedure – reg.

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01. The Prevention of Corruption Act, 1988 is a very important legislation to fight corruption in our country. Corrupt public servants acquire substantial amount of money, properties by indulging in corrupt practices. It is important for the Law Enforcement Agencies to take legal action and not allow the corrupt public servants to enjoy the fruits of crime. In this context, 1944 Ordinance called '**Criminal Law Amendment Ordinance, 1944**' enables the Law Enforcement Agency to take steps for attachment of money or property. This is an important part of anti-corruption work for VACB.

02. In order to attach and preserve the money and property of person(s) procured by means of committing the offence(s) under the PC Act (so that the said money and property can be forfeited when the accused is found guilty of the offences). We have to follow certain procedure. Attachment can be done during investigation and also after the chargesheet is filed.

03. All applications for attachment Invoking the Criminal Law Amendment Ordinance, 1944 has to be filed, during the investigation stage, before the District Judge within the local limits of whose jurisdiction the said person ordinarily resides or carries on business and once the case is charge sheeted such application has to be filed before the concerned Special Judge Court.

04. The Investigating Officer during the investigation of a case under the PC Act.1988 should, when he has reasons to believe that the Suspect Officer/Accused has committed any offence within the purview of PC Act and procured money or property, file an application before the Court for the attachment of such money or the property or both as the case may be (before the District Court within its jurisdiction such Accused/Suspect Officer resides or carries on business). In case where such property or money cannot be attached, **other property of the said accused of the value as nearly as may be equivalent to that of the aforesaid money or other property.**

05. The application for attachment for money or property shall be supported by Affidavits stating the reasons and grounds on which the belief that the said accused/suspect officer has committed the offence is founded and the amount of money or value of other property believed to have been procured by means of the offence.

06. The application should also contain:-

- (a) any information available as to the location for the time being of any such money or other property and shall, if necessary, give particulars, including the estimated value, of other property of the said person;
- (b) the names and addresses of any other person believed to have or to be likely to claim, any interest or title in the property of the said person.

07. Once the investigation is completed and charge sheet is filed in the Enquiry Commissioner & Special Judge Court – then the Special Judge Court will take action similar to the District Court.

08. The Investigating Officer should also note that the Court will be guided by the provisions of Order 27 of Civil Procedure Code in ordering attachment. Therefore, an application for communication of the order of attachment to concerned Bank/Village Office or such other Authority should be submitted before the Hon'ble Court for issuance of Attachment Order.
09. The Investigating Officer concerned has to address the Directorate for getting prior sanction from the Government on each such instance, before filing the application. Investigating Officer must send the copies of relevant documents to the Directorate for the purpose. In the Directorate, ADP (Vigilance) must be consulted before sending the proposal to the Government.
10. The attachment proceedings need to be initiated carefully and only when, property or money worth substantial amount (not less than Rs.1 lakh) has been obtained by the accused by committing offences under the Prevention of Corruption Act; this is to save time and also to make an impact.
11. All Unit Heads must ensure the Ordinance of 1944 is understood properly by all the Investigating Officers working under them.



Loknath Behera IPS
Director

To

- 1) The ADGP – I & II, SP (Int.) / IB Inspector
- 2) All Unit Heads / LA / ALAs
- 3) Manager /Accounts Officer / Administrative Asst. / All SS / All JS
- 4) CA to Director / ADGP-I & II / SP (Int.) / ADP