

## Information Technology (Amendment) Act 2008

### Section 38 - Substitution of New Sections for Section 77

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For section 77 of the principal Act, the following sections shall be substituted, namely:--

"77. Compensation, penalties or confiscation not to interfere with other punishment.-- No compensation awarded, penalty imposed or confiscation made under this Act shall prevent the award of compensation or imposition of any other penalty or punishment under any other law for the time being in force.

77A. Compounding of offences.-- A court of competent jurisdiction may compound offences, other than offences for which the punishment for life or imprisonment for a term exceeding three years has been provided, under this Act:

Provided that the court shall not compound such offence where the accused is, by reason of his previous conviction, liable to either enhanced punishment or to a punishment of a different kind:

Provided further that the court shall not compound any offence where such offence affects the socio economic conditions of the country or has been committed against a child below the age of 18 years or a woman.

(2) The person accused of an offence under this Act may file an application for compounding in the court in which offence is pending for trial and the provisions of sections 265B and 265C of the Code of Criminal Procedure, 1973(2 of 1974) shall apply.

77B. Offences with three years imprisonment to be bailable.-- Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable with imprisonment of three years shall be bailable.

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