

Official Secrets Act, 1923

Section 13 - Restriction on Trial of Offences

(1) No court (other than that of a Magistrate of the first class specially empowered in this behalf by the¹[Appropriate Government] which is inferior to that of a District or Presidency Magistrate, shall try any offence under this Act.

(2) If any person under trial before a Magistrate for an offence under this Act at any time before a charge is framed, claims to be tried by the Court of Session, the Magistrate shall, if he does not discharge the accused, commit the case for trial by that court, notwithstanding that it is not a case exclusively triable by that court.

(3) No court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the²[Appropriate Government]³[***] or some officer empowered by the¹[Appropriate Government] in this behalf:

⁴[***]

(4) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have been committed either at the place in which the same actually was committed or at any place in⁵[India] in which the offender may be found.

⁶(5) In this section, the appropriate Government means--

(a) in relation to any offences under section 5 not connected with a prohibited place or with a foreign power, the State Government; and

(b) in relation to any other offence, the Central Government.]

1. Substituted by the A.O. 1937, for "L.G."

2. Substituted by the A.O. 1937, for "G.G. in C."

3. The words "the L.G." were omitted by the A.O. 1937.

4. The proviso omitted by Act 24 of 1967, section. 11.

5. Substituted by Act 3 of 1951, section. 3 and Sch. for "the States".

6. Inserted by the A.O. 1937.