

The POCSO Act, 2012

Section 30 - (/) In any prosecution for any offence under this Act which requires a culpable

2006.

similar purposes under any other law for the time being in force. then, such court shall be deemed to be a Special Court under this section.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (/)], with which the accused may, under the Code

of Criminal Procedure, 1973, be charged at the same trial. 2 of 1974

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of 2 of 2000

that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conductor manner or facilitates abuse of children online.

Presumption 29, Where a person is proved for being of abetting

or arent

arty offence

as to certain under sections 3, 5, 7 and section 9 of this Act the Special Court shall presume, that such person has.

offences

committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Presumption mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation 1 In this section, culpable mental state includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Application of J. Save as otherwise provided in this Act, the provisions of the Code of Criminal Code of Procedure, 1973 (including

the provisions as to bail and bonds) shall apply to the proceedings 2 of 1974

Criminal

Procedure, before a Special Court and for the purposes of the said provisions, the Special Court shall

1973 to be deemed to be a Court of Sessions and the person conducting a prosecution before

Proceedings a Special Court, shall be deemed to be a Public Prosecutor.

before a

Special Court.

32, (/) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (/) only if he had been in practice for not less than seven years as an advocate.

(J) Every person appointed as a Special Public Prosecutor under this section shall be

deemed to be a Public Prosecutor within the meaning of clause (w) of section 20 of the Code of Criminal Procedure, 1973 and provision of that Code shall have effect accordingly

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