

Customs Act, 1962

Section 137 - Cognizance of Offences

(1) No court shall take cognizance of any offence under section 132, section 133, section 134 or 4 [section 135 or section 135A], except with the previous sanction of the 1 [Commissioner of Customs].

(2) No court shall take cognizance of any offence under section 136,-

(a) where the offence is alleged to have been committed by an officer of customs not lower in rank than 2 [Assistant Commissioner of Customs or Deputy Commissioner of Customs], except with the previous sanction of the Central Government;

(b) where the offence is alleged to have been committed by an officer of customs lower in rank than 2 [Assistant Commissioner of Customs such compounding or Deputy Commissioner of Customs], except with the previous sanction of the 1 [Commissioner of Customs].

3 (3) Any offence under this Chapter may, either before or after the institution of prosecution, be compounded by the Chief Commissioner of Customs on payment, by the person accused of the offence to the Central Government, of 5 [such compounding amount and in such manner of compounding] as may be specified by rules.]

6 [Provided that nothing contained in this sub-section shall apply to-

(a) a person who has been allowed to compound once in respect of any offence under sections 135 and 135A;

(b) a person who has been accused of committing an offence under this Act which is also an offence under any of the following Acts, namely:--

(i) the Narcotic Drugs and Psychotropic Substances Act, 1985; (61 of 1985).

(ii) the Chemical Weapons Convention Act, 2000; (34 of 2000).

(iii) the Arms Act, 1959; (54 of 1959).

(iv) the Wild Life (Protection) Act, 1972; (53 of 1972).

(c) a person involved in smuggling of goods falling under any of the following, namely:--

(i) goods specified in the list of Special Chemicals, Organisms, Materials, Equipment and Technology in Appendix 3 to Schedule 2 (Export Policy) of ITC (HS) Classification of Export and Import Items of the Foreign Trade Policy, as amended from time to time, issued under section 5 of the Foreign

Trade (Development and Regulation) Act, 1992; (22 of 1992).

(ii) goods which are specified as prohibited items for import and export in the ITC (HS) Classification of Export and Import Items of the Foreign Trade Policy, as amended from time to time, issued under section 5 of the Foreign Trade (Development and Regulation) Act, 1992; (22 of 1992).

(iii) any other goods or documents, which are likely to affect friendly relations with a foreign State or are derogatory to national honour;

(d) a person who has been allowed to compound once in respect of any offence under this Chapter for goods of value exceeding rupees one crore;

(e) a person who has been convicted under this Act on or after the 30th day of December, 2005..

Provided that nothing contained in this sub-section shall apply to-

(a) a person who has been allowed to compound once in respect of any offence under sections 135 and 135A;

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(e) a person who has been convicted under this Act on or after the 30th day of December, 2005.]

1. Substituted by Act 22 of 1995, section 50, for "Collector of Customs" (w.e.f. 26-5-1995).

2. Substituted by Act 22 of 1995, section 50, for "Assistant Collector of Customs" (w.e.f. 26-5-1995) and again substituted by Act 27 of 1999, section 100, for "Assistant Commissioner of Customs" (w.e.f. 11-5-1999).

3. Inserted by Act 23 of 2004, section 71 (w.e.f. 10-9-2004).

4. Substituted for "Section 135" by the Taxation Laws (Amendment) Act, 2006.

5. Substituted by the Finance (No. 2) Act, 2009 for the following : -

"such compounding amount"

6. Inserted by the Finance (No. 2) Act, 2009.