

Customs Act, 1962

Section 138A - Presumption of Culpable Mental State

¹[138A. Presumption of culpable mental state

(1) In any prosecution for an offence under this Act which requires a culpable mental state on the part of the accused, the 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.

Explanation:-- In this section "culpable mental state" includes intention, motive, knowledge of a fact and believe in, or reason to believe, a fact.

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

1. Inserted by Act 36 of 1973, section 9 (w.e.f. 1-9-1973).
