

Border Security Force Act, 1968

Section 105 - ORDER FOR DISPOSAL OF PROPERTY REGARDING WHICH OFFENCE IS COMMITTED

1) After the conclusion of a trial before any Security Force Court, the Court or the officer confirming the finding or sentence of such Security Force court, or any authority superior to such officer, or, in the case of a Summary Security Force Court whose finding or sentence does not require confirmation, an officer not below the rank of Deputy Inspector-General within whose command the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the Court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence, (2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a Magistrate within whose jurisdiction such property for the time being is situated, and such Magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1898-. (3) In this section, the term "property" includes, in the case of property regarding which an offence appears to have been committed not only such property as has been originally in the possession or under the control of and person, but also any property into or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange, whether immediately or otherwise.