

Wakf Act, 1954

Section 40 - EXTENSION OF TIME 116[The Wakf Commissioner may, if he is satisfied] that it is necessary so to do, extend the time

1) If a mutawalli fails- (a) to apply for the registration of a wakf; (b) to furnish statements of particulars or accounts or returns as required by this Act; (c) to supply information or particulars as required by the Board; (d) to allow inspection of wakf properties, accounts or records or deeds and documents relating thereto; (e) to deliver possession of any wakf property, if ordered by the Board or the court; (f) to carry out the directions of the Board; 117[(g) * * * *] (h) to discharge any public dues; or (i) to do any other act which he is lawfully required to do by or under this Act; he shall, unless he satisfies the court that there was reasonable cause for his failure, be punishable with 118[fine which may extend to two thousand rupees.] 119[(1A)

Notwithstanding anything contained in sub-section (1), if,- (a) a mutawalli omits or fails, with a view to concealing the existence of a wakf, to apply for its registration under this Act,- (i) in the case of a wakf created before the commencement of the Wakf (Amendment) Act, 1984, within the period specified therefore in sub- section (8) of section 25-or within a period of one month from such commencement, whichever period expires later; or (ii) in the case of any wakf created after such commencement, within three months from the date of the creation of the wakf; or (b) a mutawalli furnishes any statement, return or information to the Wakf Commissioner or the Board, as the case may be, which he knows or has reason to believe to be false, misleading, untrue or incorrect in any material particular, he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to five thousand rupees.]: (2)

No court shall take cognizance of an offence punishable under this Act save upon complaint 120[made by the Board or the Wakf Commissioner or an officer duly authorised by the Board or the Wakf Commissioner.] (3)

No court inferior that of a 121[Metropolitan Magistrate a Judicial Magistrate of the first class] shall try any offence punishable under this Act. 122 [(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973-, the fine imposed under sub-section (1), when realised, shall be credited to the Wakf Fund.]

122 [(5) In every case where an offender is convicted after the commencement of the Wakf (Amendment) Act, 1984, of an offence punishable under sub-section (1) and sentenced to a fine, the court shall also impose such term of imprisonment in default of payment of fine as is authorised by law for such default.]