

Forfeiture Act 1859

Section 18 - Attachment Without Adjudication of Forfeiture Not Questionable Unless Offender Be Acquitted Within One Year, Etc

Whenever any property shall have been attached or seized without either conviction or an adjudication of forfeiture by any officer of Government as property forfeited or liable to be forfeited to Government for an offence for which, upon conviction, the property of the offender would be forfeited, the validity of such attachment or seizure shall not be called in question by any Court or other authority in any suit or proceeding, unless the offender or alleged offender shall, within one year after the seizure of his property has surrendered himself for trial, and upon trial before a competent Court shall have been or shall be acquitted of the offence, and shall prove to the satisfaction of the Court that he did not escape or keep out of the way for the purpose of evading justice.

Exemption of pardoned persons.- Nothing in this section shall extend to persons entitled to pardon upon Her Majesty's proclamation published in the Calcutta Gazette Extraordinary, dated the 1st of November, 1858, or to any person who having surrendered himself within the period of one year after the seizure of his property shall be {Substituted by the A.O.1937 for "discharged by order of Govt."} [duly discharged] without a prosecution.
