

The DCS Act 2003

Section 122 - (1) In the trial of offences by the Metropolitan Magistrate, it shall be presumed until

the contrary is proved that any officer or employee of a co-operative society - (a) who draws the amounts from the financing institution and fails to properly disburse or account for it, has misused or misappropriated the amounts; (b) who is responsible for the custody of books and properties or who is in actual possession thereof, fails to produce the same on requisition by the Registrar or any person authorised by him, has wilfully withheld the same; (c) who makes any false entries or manipulates or alters the account books of the co-operative society, has wilfully committed the said act in order to cause loss or damage to the co-operative society; (d) who misuses the properties of the co-operative society in contravention of the provisions of this Act and the rules made thereunder or the bye-laws of the co-operative society has done so, for his personal benefit; (e) who executes any documents or enters into an agreement for sale or purchase of the land, plots, flats, etc., in contravention of the provisions of the registered bye-laws of the co-operative society, has done so for his personal benefit and in order to cause loss to the members of the co-operative society. (2) Any officer or employee of a co-operative society who issues any receipt shall be deemed to have issued the same in the name of the co-operative society and shall be responsible to account for the same. (3) Notwithstanding the criminal liability, the officer or employee of a co-operative society shall be responsible to make good the loss caused to the co-operative society by committing such offences and the same shall be recovered as arrears of land revenue by the Registrar or the person authorised by him from the person responsible for causing such loss or his legal heirs or any person who has acquired the properties from such person or with the assistance of such person. Section 123 - Presumption as to statements