

SYNOPSIS

55. Definitions

56. Agreements with foreign countries

57. Letter of request to a contracting State in certain cases

58. Assistance to a contracting State in certain cases

58A. Special Court to release the property

58B. Letter of request of a contracting State or authority for confiscation or release the property

59. Reciprocal arrangements for processes and assistance for transfer of accused persons

60. Attachment, seizure and confiscation, etc., of property in a contracting State or India

**55. Definitions**

In this Chapter, unless the context otherwise requires,--

(a) "contracting State" means any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country through a treaty or otherwise;

(b) "identifying" includes establishment of a proof that the property was derived from, or used in the commission of an offence under section 3;

(c) "tracing" means determining the nature, source, disposition, movement, title or ownership of property.

**56. Agreements with foreign countries**

(1) The Central Government may enter into an agreement with the Government of any country outside India for--

(a) enforcing the provisions of this Act;

(b) exchange of information for the prevention of any offence under this Act or under the corresponding law in force in that

~~~~~

country or investigation of cases relating to any offence under  
this Act,

and may, by notification in the Official Gazette, make such  
provisions as may be necessary for implementing the agreement.

(2) The Central Government may, by notification in the Official  
Gazette, direct that the application of this Chapter in relation to a  
contracting State with which reciprocal arrangements have been  
made, shall be subject to such conditions, exceptions or  
qualifications as are specified in the said notification.

### **57. Letter of request to a contracting State in certain cases**

(1) Notwithstanding anything contained in this Act or the Code  
of Criminal Procedure, 1973 (2 of 1974) if, in the course of an  
investigation into an offence or other proceedings under this Act,  
an application is made to a Special Court by the Investigating  
Officer or any officer superior in rank to the Investigating Officer  
that any evidence is required in connection with investigation  
into an offence or proceedings under this Act and he is of the  
opinion that such evidence may be available in any place in a  
contracting State, and the Special Court, on being satisfied that  
such evidence is required in connection with the investigation  
into an offence or proceedings under this Act, may issue a letter  
of request to a court or an authority in the contracting State  
competent to deal with such request to--

- (i) examine facts and circumstances of the case,
- (ii) take such steps as the Special Court may specify in such letter  
of request, and
- (iii) forward all the evidence so taken or collected to the Special  
Court issuing such letter of request.

~~~~~

~~~~~

(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation.

### **58. Assistance to a contracting State in certain cases**

Where a letter of request is received by the Central Government from a court or authority in a contracting State requesting for investigation into an offence or proceedings under this Act and forwarding to such court or authority any evidence connected therewith, the Central Government may forward such letter of request to the Special Court or to any authority under the Act as it thinks fit for execution of such request in accordance with the provisions of this Act or, as the case may be, any other law for the time being in force.

### **58A. Special Court to release the property**

Where on closure of the criminal case or conclusion of a trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering has not taken place or the property in India is not involved in money-laundering, the Special Court may, on an application moved by the concerned person or the Director, after notice to the other party, order release of such property to the person entitled to receive it.

### **58B. Letter of request of a contracting State or authority for confiscation or release the property**

Where the trial under the corresponding law of any other country cannot be conducted by reason of the death of the accused or the

~~~~~

~~~~~  
accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Central Government shall, on receipt of a letter of request from a court or authority in a contracting State requesting for confiscation or release of property, as the case may be, forward the same to the Director to move an application before the Special Court and upon such application the Special Court shall pass appropriate orders regarding confiscation or release of such property involved in the offence of money-laundering.

**59. Reciprocal arrangements for processes and assistance for transfer of accused persons**

(1) Where a Special Court, in relation to an offence punishable under section 4, desires that--

- (a) a summons to an accused person, or
- (b) a warrant for the arrest of an accused person, or
- (c) a summons to any person requiring him to attend and produce a document or other thing or to produce it, or
- (d) a search warrant,

issued by it shall be served or executed at any place in any contracting State, it shall send such summons or warrant in duplicate in such form, to such Court, Judge or Magistrate through such authorities, as the Central Government may, by notification, specify in this behalf and that Court, Judge or Magistrate, as the case may be, shall cause the same to be executed.

(2) Where a Special Court, in relation to an offence punishable under section 4 has received for service or execution--

~~~~~

(a) a summons to an accused person, or

(b) a warrant for the arrest of an accused person, or

(c) a summons to any person requiring him to attend and produce  
a document or other thing, or to produce it, or

(d) a search warrant,

issued by a Court, judge or Magistrate in a contracting State, it  
shall, cause the same to be served or executed as if it were a  
summons or warrant received by it from another Court in the said  
territories for service or execution within its local jurisdiction;  
and where--

(i) a warrant of arrest has been executed, the person arrested shall  
be dealt with in accordance with the procedure specified under  
section 19;

(ii) a search warrant has been executed, the things found in this  
search shall, so far as possible, be dealt with in accordance with  
the procedure specified under sections 17 and 18;

Provided that in a case where a summon or search warrant  
received from a contracting State has been executed, the  
documents or other things produced or things found in the search  
shall be forwarded to the Court issuing the summons or search-  
warrant through such authority as the Central Government may,  
by notification, specify in this behalf.

(3) Where a person transferred to a contracting State pursuant to  
sub-section (2) is a prisoner in India, the Special Court or the  
Central Government may impose such conditions as that Court or  
Government deems fit.

~~~~~

~~~~~

(4) Where the person transferred to India pursuant to sub-section (1) is a prisoner in a contracting State, the Special Court in India shall ensure that the conditions subject to which the prisoner is transferred to India are complied with and such prisoner shall be kept in such custody subject to such conditions as the Central Government may direct in writing.

**60. Attachment, seizure and confiscation, etc., of property in a contracting State or India**

(1) Where the Director has made an order for attachment of any property under section 5 or for freezing under sub-section (1A) of section 17 or where an Adjudicating Authority has made an order relating to a property under section 8 or where a Special Court has made an order of confiscation relating to a property under sub-section (5) or sub section (6) of section 8, and such property is suspected to be in a contracting State, the Special Court, on an application by the Director or the Administrator appointed under sub-section (1) of section 10, as the case may be, may issue a letter of request to a court or an authority in the contracting State for execution of such order.

(2) Where a letter of request is received by the Central Government from a court or an authority in a contracting State requesting attachment, seizure, freezing or confiscation of the property in India, derived or obtained, directly or indirectly, by any person from the commission of an offence under a corresponding law committed in that contracting State, the Central Government may forward such letter of request to the Director, as it thinks fit, for execution in accordance with the provisions of this Act.

~~~~~

~~~~~

(2A) Where on closure of the criminal case or conclusion of trial in a criminal court outside India under the corresponding law of any other country, such court finds that the offence of money-laundering under the corresponding law of that country has been committed, the Special Court shall, on receipt of an application from the Director for execution of confiscation under sub-section (2), order, after giving notice to the affected persons, that such property involved in money-laundering or which has been used for commission of the offence of money-laundering stand confiscated to the Central Government.

(3) The Director shall, on receipt of a letter of request under section 58 or section 59, direct any authority under this Act to take all steps necessary for tracing and identifying such property.

(4) The steps referred to in sub-section (3) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or public financial institutions or any other relevant matters.

(5) Any inquiry, investigation or survey referred to in sub-section (4) shall be carried out by an authority mentioned in sub-section (3) in accordance with such directions issued in accordance with the provisions of this Act.

(6) The provisions of this Act relating to attachment, adjudication, confiscation and vesting of property in the Central Government contained in Chapter III and survey, searches and seizures contained in Chapter V shall apply to the property in respect of which letter of request is received from a court or contracting State for attachment or confiscation of property.

(7) When any property in India is confiscated as a result of execution of a request from a contracting State in accordance

~~~~~

~~~~~

with the provisions of this Act, the Central Government may either return such property to the requesting State or compensate that State by disposal of such property on mutually agreed terms that would take into account deduction for reasonable expenses incurred in investigation, prosecution or judicial proceedings leading to the return or disposal of confiscated property.

#### **61. Procedure in respect of letter of request**

Every letter of request, summons or warrant, received by the Central Government from, and every letter of request, summons or warrant, to be transmitted to a contracting State under this Chapter shall be transmitted to a contracting State or, as the case may be, sent to the concerned Court in India and in such form and in such manner as the Central Government may, by notification, specify in this behalf.