

## **STATEMENT OF FACTS**

Arkham is a former colony that gained independence from the Netherlands in 1970. Despite international pressure, the Netherlands tried to retain Arkham as a colony, since Arkham was and remains resource rich. Today, Arkham is considered as being amongst the powerful developing countries and has recently been made a part of the BRICS organization. By 2020, Arkham will be second only to China in terms of annual export revenue.

Arkham is amongst the leaders in resources and government reports have valued its resources at almost USD\$45 trillion. Arkham's resources primarily comprise of coal and crude oil, with coal amounting to approximately USD\$30 trillion of that valuation.

With the growth of the country and its business, foreign multi-national companies have been closely monitoring the country's progress. Recently, the Government of Arkham, led by the Prime Minister Mr. Hozier, has made big strides towards tapping its natural resources. Foreign companies have always managed to keep track of such developments. Companies get information through undisclosed sources and consulting companies that specialise in natural resources. The *modus operandi* adopted by the consulting companies is that they pay low grade public officials to steal information from government offices.

Based on this purloined information, foreign companies enter into business transactions with the Government of Arkham or private companies incorporated in Arkham. The local and foreign investors also seem to invest large amounts of money in the Arkham single stock exchange. Such investments, that appear to be based on this stolen information, are made in companies /sectors dealing with natural resources and result in enormous profits to investors.

Prime Minister Hozier recently directed the investigating agency of the capital of Arkham, namely Faltusa, to investigate the *modus operandi* by which the

domestic and international companies have made such large-scale profits. On the basis of the Prime Minister's direction, a preliminary enquiry [II-0005-2015] was registered on 01.02.2015 by the agency.

During the 45 day preliminary enquiry, the Faltusa Police learnt that certain employees working in the ministries were stealing confidential Government documents and selling them to different companies and individuals. On the basis of the preliminary enquiry, the Faltusa Police registered an 'Information Report' on 17.03.2015 under Sections 343 [criminal trespass], 260 [theft in a dwelling house], 300 [cheating], 361 [dishonestly receiving stolen property], 390 [criminal breach of trust by public servant], 442 [forgery] 448 [using forged as a genuine] of the Arkham Penal [Provisions and Punishment ] Act, 1963, Sections 7 and 8 of the Arkham Government Secrets Act, 1892 and Section 11 of the Prevention and Punishment of Corruption Act, 1998 against unknown persons.

After registering the case, the Faltusa Police laid a trap on 20.03.2015 at 'Aurora Palace', where the offices of Ministry of Natural Resources was located. The record of proceedings maintained by the Police shows that the Lead Investigating Officer Yusuf-ul-Haq had recorded in the Police Station Daily Diary that on the basis of secret information received by him today, two persons, named Eddie and Elvis, along with their associates were involved in the theft of secret documents and would be coming to Aurora Towers at midnight with fake ID cards and duplicate keys to steal further documents. The Lead Investigating Officer and his team of eight officials would be present at 11:00 pm to arrest the accused persons.

The trap was laid and carried out successfully. Upon completion of the trap, the Lead Investigating Officer sent the record of the trap proceedings to the Police Station, which read as under:

*"I along with other eight officials and the secret informer left the Police Station in two Black Escalade Cars had left the Police Station on 20.03.2015 at 22:00 hours for Aurora Towers. I upon reaching the spot had asked public persons to join the raid, however, all of them citing personal reasons did not*

*join the raid. Due to paucity of time, no written notice could be served upon them. Upon reaching there we were all sitting in the cars, at about 23:45, one yellow Camaro Car stopped closed to the building, two persons had got down from the car and went inside Aurora Towers. The secret informer had confirmed those persons as Eddie and Elvis. After waiting for more than an hour, about 00:50, both persons came out of Aurora Towers ad they were immediately apprehended. On doing a personal search the following documents were received:*

*a) Photocopy of the Annual Coal Allocations List*

*b) Photocopy of a document entitled 'Petroleum Planning and Analysis'*

*c) Draft Minutes of Meeting of the High Powered Committee on Exploration of Natural Resources.*

*d) Photocopy of an entire file entitled as 'Future Coal Resource Planning'*

*e) Photocopy of an entire file entitled as 'Presentation on Further Opportunities in Arkham'*

*f) ID Cards of Ministry of Natural Resources in the names of Eddie and Elvis.*

*The aforesaid documents and keys were sealed by marking the seal 'FP-0001'. On questioning, no reply / justification was provided by the Accused Persons regarding recovery such documents."*

Thereafter, the Faltusa Police interrogated 'Eddie' and 'Elvis'. During interrogation, they were confronted with recorded conversations of the accused persons with unknown persons regarding stealing documents and their call detail records. During such interrogation, Eddie and Elvis confessed to their crimes and disclosed to the investigating agency that they were stealing the documents for various consulting companies and individuals. They told the investigating agency that they were appointed as *ad hoc* employees in the Ministry of Natural Resources. During their employment they met one 'Mr. James Morrison' who owned the Company M/s LDC Pvt. Ltd. which provides consulting services in the energy sector.

As per the arrested persons, Mr. Morrison lured them into stealing documents for large amounts of money. Eddie and Elvis stole documents for Mr. Morrison by using their ID Cards and duplicate keys. Similarly, Eddie and Elvis also admitted that Mr. Aristotle of M/s Rustum Energy Ltd, Mrs. Najeeda Shah of M/s Mojo Energy Consultants Ltd and Mr. Rufus Grey of M/s Grey Industries Ltd. also used to pay money for these documents.

Based on these disclosure statements, the offices of LDC Pvt Ltd, M/s Rustum Energy Ltd, M/s Mojo Energy Consultants Ltd and M/s Grey Industries Limited were searched on 21.03.2015 and copies of various government documents were recovered. Mr. Morrison, Mr. Aristotle, Mrs. Najeeda Shah and Mr. Rufus Grey were arrested by the Faltusa Police. The Police also recovered a copy of a document titled, *'Draft Arkham Budget for Financial Year 2015-16'* from the offices of all companies.

After their arrest, these persons were interrogated and confronted with call recordings and call detail records and also Eddie and Elvis. The Police also obtained the banks statements of all the accused persons and found that all the companies made monthly payments to Eddie and Elvis. All the company officials gave similar justifications that Eddie and Elvis had projected themselves as journalists and that they had no knowledge that Eddie and Elvis stole the documents. Meanwhile, the Faltusa Police also sought a report from the Ministry of Natural Resources and Ministry of Finance on the nature of the documents. Both the Ministries stated that all documents were classified in nature. However in reply to a contemporaneous Right to Information request made by a noted journalist from the famous INYF news agency, both the Ministries stated that they did not have any document, rule, guideline or instruction that provided the basis of classification of documents as secret, confidential or classified. In a well received piece of investigative journalism, INYF disclosed that a high ranking government servant from the Ministry of Natural Resources had stated that, *'We decide what is confidential and what is not. We don't need guidelines. After all, we are the government and no Right to Information law can change that.'*

Upon completion of investigation, the Faltusa Police Officials submitted an Indictment Report before the Special Court constituted under the Prevention and Punishment of Corruption Act, 1998. Upon receipt of the Indictment Report the Special Court took cognizance, summoned the accused, completed scrutiny of documents and listed the matter for arguments on 20.05.2015 for framing of formal indictments under the Criminal Code of Procedure and Rules, 1920.

The issues before the Special Judge at the stage of framing of indictment were

- a. Whether the ingredients of the offences alleged by the prosecution exist to frame and serve a formal notice of indictment / allegations? Whether there can be any indictment for the offence under the Prevention of Arkham Government Secrets Act, 1892?
- b. Whether the Court can hear and decide on submissions on false implication as the very foundational fact i.e 'secret information' is not being proved by anyone in the list of cited witness and therefore the entire trap and identification becomes questionable?

The above stated issues were decided against the Accused Persons and Mr. Morrison, Mr. Aristotle, Mrs. Najeeda Shah and Mr. Rufus Grey have preferred a Writ Petition before the Faltusa Supreme Court under Article 47 of the Constitution of Faltusa seeking the following reliefs:

- a) Issue a writ to strike down the entire The Prevention of Arkham Government Secrets Act, 1892 being otiose and redundant and also against the letter and spirit of Freedom of Information Act, 2000*
- b) To quash the entire prosecution against the Accused Persons as Special Court has no jurisdiction as none of the Accused Persons are 'Public Servants'*
- c) Quash the notice of the indictment as the offences alleged were not made out*
- d) To stay the proceedings during the pendency of present Writ Petition"*

The matter is pending before the Supreme Court for quashing of the formal notice of indictment as well as for striking down the Prevention of Arkham Government Secrets Act, 1892

**NOTES:**

- I. Teams are to argue for the Petitioner Mr. Morrison, Mr. Aristotle, Mrs. Najeeda Shah and Mr. Rufus Grey OR for the Respondent / State
- II. The burden of proof under the Arkham laws is on the State in any Criminal Proceedings unless specifically provided otherwise.
- III. Participants are expected to apply principles of criminal law prevalent in common law jurisdictions and demonstrate the rational and desirability of applying the same in a cogent manner. Arkham courts consider leading common law precedents as being highly persuasive.
- IV. The maintainability of the petition is not in issue in these proceedings. Participants must proceed on the basis that the abovementioned criminal petitions are maintainable.
- V. The relevant statutes and documents are annexed as **Appendix I**.

**APPENDIX-I**

**INVESTIGATION RECORDS**

**1. PROPERTY SEIZURE DETAIL FORM**

“1. P.S. FALTUSA \*Year 2015 \*FIR No. / GD No. PE[II-0005-2015]\*Date 01.02.2015

2. Acts and sections .....

3. Details of property seized:

- a) *Photocopy of the Annual Coal Allocations List*
- b) *Photocopy of a document entitled ‘Petroleum Planning and Analysis’*
- c) *Draft Minutes of Meeting of the High Powered Committee on Exploration of Natural Resources.*
- d) *Photocopy of an entire file entitled as ‘Future Coal Resource Planning’*
- e) *Photocopy of an entire file entitled as ‘Presentation on Further Opportunities in Arkham’*
- f) *ID Cards of Ministry of Natural Resources in the names of Eddie and Elvis.”*

4. Property seized / received: (a) Date: 20.03.2015 (b) Time 23:45(c) Address of place from where seized: AURORA PALACE

5. Person from whom seized / recovered:  
Name: .EDDIE AND ELVIS

6. Witnesses:

(i) Name: .....(ii) Name: .....”

**STATEMENTS**

“I AM AN AD HOC EMPLOYEE OF THE GOVERNMENT WORKING AT MINISTRY OF NATURAL RESOURCES. ALONG WITH MY OTHER ASSOCIATES I USE TO STEAL DOCUMENTS TO SELL TO SOME LOCAL AND FOREIGN PERSONS AND COMPANIES. I HAD SOLD THE SAME TO . MR. MORRISON, MR. ARISTOTLE, MRS. NAJEEDA SHAH AND MR. RUFUS GREY. I WAS PAID REGULARLY BY THEM FOR DOING THESE FAVOURS.

EDDIE  
[SIGNED]  
Dated 20.03.2015

ELIVS  
[SIGNED]

**CIRCULAR DATED 01.03.2000**

Relevant Excerpt

“a. Preliminary Enquiry [verification of the Complaint] can be registered by an investigating officer on receipt of a Complaint. However, such verification is restricted to complaints, which in the prima facie opinion of the investigating officer does not disclose a cognizable offence.”

“As soon as sufficient material disclosing the commission of a cognizable offence is gathered during the course of Preliminary Enquiry a Regular Case

should be registered at the earliest after taking the approval of the Competent Authority”

**Executive Instruction No. 999/1923**

Station Daily Diary

The following matters shall be entered in the daily diary:

1. The name of accused persons with complete details including whether in custody or on remand shall be entered.
2. Details of all Information regarding commission of all cognizable and non-cognizable offences received at the Police Post / Station.
3. The arrival and departure entries of the Officers at the concerned police post/station
4. All arrivals at and dispatches from police station of persons in custody and all admissions to and removal from the police station lock up, whether temporary or otherwise.
5. Details of the seized articles and the record of their movement and custody.

**NOTE:**

A ‘information report’ is not defined under any law in the State of Arkham, however, the same is usually meant to be a written document prepared by the police when they receive information / complaint about the commission of a cognizable offence.

**RELEVANT STATUTES AND PROVISIONS**

**I. CONSTITUTION OF ARKHAM**

**Chapter II**

**ARTICLE 6**

All citizens shall have the right to freedom of speech and expression;

**ARTICLE 47  
ENFORCEMENT OF RIGHTS**

- [1] The Supreme Court of Arkham and all State High Courts shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights.
- [2] Any person who alleges that any of the provisions of this Chapter has been or is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress”
- [3] The powers conferred under sub-section [1] extends to all matters between persons or between government or authority and any person in Arkham and to all actions and proceedings relating thereto, for the determination of any question as to civil rights and obligations of that person.

**II. CRIMINAL CODE OF PROCEDURE AND RULES, 1920**

**88. INDICTMENT REPORT**

As soon as the investigation is completed by the investigating officer, he shall submit the same to the concerned Court, containing the names and details of the accused persons, list and statement of witness, proposed charges and all other documents / material relied upon by the investigating officer.

**111. Application of Part**

- (1) This Part applies, to the extent that it is capable of being applied, to all offences, however arising (whether under an Act or at common law), whenever committed and in whatever court dealt with.
- (2) In this Part:

**"indictment"** includes a court attendance notice or any other process or document by which criminal proceedings are commenced.

**112. Contents of indictment.**

Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the offence charged.

**113. Joinder of counts.**

1. Any offences, may be charged together in the same indictment if the offences charged are founded on the same facts or form or are a part of a series of offences of the same or a similar character.
2. Where more than one offence is charged in an indictment, a description of each offence so charged shall be set out in a separate paragraph of the indictment called a count.

**114. Joinder of persons.**

The following persons may be joined in one indictment and may be tried together—

1. Persons accused of the same offence committed in the course of the same transaction;
2. persons accused of an offence and persons accused of abetment or of an attempt to commit that offence;
3. persons accused of more offences than one of the same kind (that is to say, offences punishable with the same amount of punishment under the same section of the Penal Code Act or of any other written law) committed by them jointly within a period of twelve months;
4. persons accused of different offences committed in the course of the same transaction;

**125. Indictment may contain up to 3 similar counts**

Up to 3 counts may be inserted in the same indictment, against the same person, for distinct offences of the same kind committed against the same person.

**130. Quashing of indictment.**

- (1) If any indictment does not state, and cannot by any alteration authorised by section 120 be made to state, any offence of which the accused has had notice, it shall be quashed either on a motion made before the accused pleads or on a motion made in arrest of judgment.

- (2) A written statement of every such motion shall be delivered to the chief registrar or other officer of the court by or on behalf of the accused and shall be entered upon the record.

**133. Formal Notice of Indictment**

If, after such consideration and hearing the accused, the Court is of opinion that there is ground for presuming that the accused has committed an offence which has occurred within its jurisdiction, it shall serve a formal notice indictment to the accused and thereafter try the accused for offences he has been charged with, in accordance with the procedure contained in the code;

**134. Procedure when no notice of indictment is served upon the accused**

If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

**III. EVIDENCE ACT**

**103. Evidence as to affairs of State**

No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

**122. Information as to commission of offences**

No Magistrate or Police officer shall be compelled to say whence he got any information as to the commission of any offence,

**IV. ARKHAM GOVERNMENT SECRETS ACT 1892**

**2. Classified Information**

The appropriate authority may mark any information, which is other than nature of information contained under Section 7 & 8 of the Act, as 'classified' or 'secret' provided such classifying of information as secret or classified if not so marked could be prejudicial to the National Security and Sovereignty.

**7. Penalties for spying.**

- (1) If any person for any purpose prejudicial to the safety or interests of the State—
- (a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act; or
  - (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
  - (c) obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article, or note, or other document or information which is

calculated to be or might be or is intended to be directly or indirectly useful to an enemy;

He shall be guilty of felony and will liable to be punished for a minimum period of three years extendable up to a maximum period of seven years

- (2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place within the meaning of this Act, or anything in such a place or any secret official code word or pass word, is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved

### **8. Wrongful communication & dissemination of information**

- (1) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Act, or which. has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of his Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract,—
- (a) communicates the sketch, plan, model, article, note, document, or information to any person, other than a person to whom he is authorised to communicate it, or a person to whom it is in the interest of the State his duty to communicate it, or
- (b) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it :

that person shall be guilty of misdemeanour will liable to be punished for a minimum period of three years extendable up to a maximum period of seven years

- (2) If any person receives any sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Act, he shall be guilty of a misdemeanour, unless he proves that the communication to him of the sketch, plan, model, article, note, document, or information was contrary to his desire.

### **9. Prohibited place**

For the purposes of this Act, the expression “prohibited place” means—

- (a) any work of defence, arsenal, factory, dockyard, camp, ship, telegraph or signal station, or office belonging to the Government, and any other place belonging to the Government used for the purpose of building, repairing, making, or storing any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto ; and
- (b) any place not belonging to the Government where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, , are being made, repaired, or stored under contract with, or with any person on behalf of the Government
- (c) any place belonging to the Government which is for the time being declared by the authority to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ; and
- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any ship, arms, or other materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of the Government, which is for the time being declared by the appropriate Authority to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

**10. Attempts to commit offence, or- incitement to commit offence, under Act**

Any person who attempts to commit any offence under this Act, or incites, or counsels, or abets or attempts to procure another person to commit an offence under this Act, shall be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence. "

**V. INFORMATION ACT**

**Section 41: Exemptions**

Notwithstanding anything contained in this Act, the following information will be exempt from disclosure;

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of Arkham, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

- (c) intelligence and security organisations specified under the Act, being organisations established by the Central Government or any information furnished by such organisations to that Government:
- (d) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)
- (e) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the economic interests of Arkham
- (f) information retained / gathered /held by an authority which has functions in relation to the audit of the accounts of other public authorities, or the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions provided that disclosure would, or would be likely to, prejudice the exercise of any of the authority's functions.
- (g) Information held by a Public Authority is exempt information if it relates to the formulation or development of government policy, Ministerial communications, the provision of advice by any of the Law Officers or any request for the provision of such advice, provided that once a decision as to government policy has been taken, any statistical information used to provide an informed background to the taking of the decision shall not be exempted.

.....”

## **Section 50: Overriding Effect**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Arkham Government Secrets Act, 1892, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

## **VI. PENAL CODE**

### **259. Theft:**

- (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it;
- (2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.

Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

### **260. Theft in a dwelling house:**

Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**300. Cheating :**

Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.

Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

**309. Cheating and dishonestly inducing delivery of property :**

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Section 343. Criminal trespass :**

Whoever enters into or upon property in the possession of another with intent to commit an unlawful activity or to intimidate, insult or obstruct from doing some activity any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit “criminal trespass”

**361. Dishonestly receiving stolen property :**

Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**390. Criminal breach of trust by public servant, or by banker, merchant or agent :**

Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**442. Forgery:**

A person is guilty of forgery if he makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person’s prejudice.

A person found guilty of forgery shall be punished for a period not exceeding three years with or without a fine.

**448. Using a forged instrument.**

It is an offence for a person to use an instrument which is, and which he knows or believes to be, false, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

A person found guilty under this Section shall be punished for a period not exceeding ten years with or without a fine

**VII. PREVENTION AND PUNISHMENT OF CORRUPTION ACT, 1998**

**Section 2[1]:**

"**COURT**" means court duly notified under this act for trying of offences against public servants for commission of offences under this act.

**Section 2[2]:**

"**PUBLIC DUTY**" means a duty in the discharge of which the State, the public or the community at large has an interest;

**Section 11**

**Criminal misconduct by a public servant**

[1] A public official culpably misconducts himself if he wilfully and intentionally neglects or fails to perform a duty to which he is subject by virtue of his office or employment without reasonable excuse or justification.

[2] A public official culpably misconducts himself if he by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage;

[3] Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

**Section 14**

**Stay of Proceedings**

[1] no court shall stay the proceedings under this Act on any ground other than defective or illegal sanction