

LAWS OF MALAYSIA

REPRINT

Act 574

PENAL CODE

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PENAL CODE

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LAWS OF MALAYSIA

Act 574

PENAL CODE

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3. Punishment of offences committed beyond, but which by law may be tried within Malaysia
4. Extension of Code to extraterritorial offences
5. Certain laws not to be affected by this Code

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(*There are no ss. 244–245*)

246. (*Deleted*)

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416. Cheating by personation

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418. Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect

419. Punishment for cheating by personation

420. Cheating and dishonestly inducing delivery of property

Fraudulent Deeds and Dispositions of Property

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors

422. Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender

423. Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration

424. Dishonest or fraudulent removal or concealment of consideration

Mischief

425. Mischief

426. Punishment for committing mischief

427. Committing mischief and thereby causing damage to the amount of twenty-five ringgit

428. Mischief by killing or maiming any animal

429. (*Deleted*)

430. Mischief by injury to works of irrigation or by wrongfully diverting water

430A. Mischief affecting any public transportation

431. Mischief by injury to public road, bridge or river

431A. Mischief by injury to telegraph cable, wire, *etc*.

432. Mischief by causing inundation or obstruction to public drainage, attended with damage

433. Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights

434. Mischief by destroying or moving, *etc*., a landmark fixed by public authority

Section

435. Mischief by fire or explosive substance with intent to cause damage to amount of fifty ringgit

436. Mischief by fire or explosive substance with intent to destroy a house, *etc*.

437. Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden

438. Punishment for the mischief described in the last section when committed by fire or any explosive substance

439. Punishment for intentionally running vessel aground or ashore with intent to commit theft, *etc*.

440. Mischief occurring during disturbances, *etc*.

Criminal Trespass

441. Criminal trespass

442. House-trespass

443. Lurking house-trespass

444. (*Deleted*)

445. Housebreaking

446. (*Deleted*)

447. Punishment for criminal trespass

448. Punishment for house-trespass

449. House-trespass in order to commit an offence punishable with death

450. House-trespass in order to commit an offence punishable with imprisonment for life

451. House-trespass in order to commit an offence punishable with imprisonment

452. House-trespass after preparation made for causing hurt to any person

453. Punishment for lurking house-trespass or housebreaking

454. (*Deleted*)

455. Lurking house-trespass or housebreaking after preparation made for causing hurt to any person

456. (*Deleted*)

457. Lurking house-trespass or housebreaking in order to commit an offence punishable with imprisonment

457A. Subsequent offence under section 453 or 457 punishable with whipping after first offence

Section

458. (*Deleted*)

459. Grievous hurt caused whilst committing lurking house-trespass or housebreaking

460. All persons jointly concerned in housebreaking, *etc*., to be punishable for death, or grievous hurt caused by one of their number

461. Dishonestly breaking open any closed receptacle containing or supposed to contain property

462. Punishment for same offence when committed by person entrusted with custody

Chapter XVIII

OFFENCES RELATING TO DOCUMENTS AND TO CURRENCY NOTES AND BANK NOTES

463. Forgery

464. Making a false document

465. Punishment for forgery

466. Forgery of a record of a Court, or a public Register of Births, *etc*.

467. Forgery of a valuable security or will

468. Forgery for the purpose of cheating

469. Forgery for the purpose of harming the reputation of any person

470. "A forged document"

471. Using as genuine a forged document

472. Making or possessing a counterfeit seal, plate, *etc*., with intent to commit a forgery punishable under section 467

473. Making or possessing a counterfeit seal, plate, *etc*., with intent to commit a forgery punishable otherwise

474. Having possession of a valuable security or will known to be forged, with intent to use it as genuine

475. Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material

476. Counterfeiting a device or mark used for authenticating documents other than those described in section 467 or possessing counterfeit marked material

477. Fraudulent cancellation, destruction, *etc*., of a will

477A. Falsification of accounts

(*There are no ss. 478–489*)

Section

489A. Forging or counterfeiting currency notes or bank notes

489B. Using as genuine, forged or counterfeit currency notes or bank notes

489C. Possession of forged or counterfeit currency notes or bank notes

489D. Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes

Chapter XIX

CRIMINAL BREACH OF CONTRACTS OF SERVICE

490. (*Deleted*)

491. Breach of contract to attend on and supply the wants of helpless persons

492. (*Deleted*)

Chapter XX

OFFENCES RELATING TO MARRIAGE

493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage

494. Marrying again during the lifetime of husband or wife

495. Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted

496. Marriage ceremony gone through with fraudulent intent without lawful marriage

(*There is no s. 497*)

498. Enticing or taking away or detaining with a criminal intent a married woman

Chapter XXI

DEFAMATION

499. Defamation

500. Punishment for defamation

501. Printing or engraving matter known to be defamatory

502. Sale of printed or engraved substance containing defamatory matter

CHAPTER XXII

CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

Section

503. Criminal intimidation

504. Intentional insult with intent to provoke a breach of the peace

505. Statements conducing to public mischief

506. Punishment for criminal intimidation

507. Criminal intimidation by an anonymous communication

508. Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure

509. Word or gesture intended to insult the modesty of a person

510. Misconduct in public by a drunken person

CHAPTER XXIII

ATTEMPTS TO COMMIT OFFENCES

511. Punishment for attempting to commit offences punishable with imprisonment

LAWS OF MALAYSIA

Act 574

PENAL CODE

An Act relating to criminal offences.

[*Throughout Malaysia—31 March 1976, Act A327*; *P.U. (B) 139/1976*]

CHAPTER I

PRELIMINARY

Short title

1. This Act may be cited as the Penal Code.

Punishment of offences committed within Malaysia

2. Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within Malaysia.

Punishment of offences committed beyond, but which by law may be tried within Malaysia

3. Any person liable by law to be tried for an offence committed beyond the limits of Malaysia, shall be dealt with according to the provisions of this Code for any act committed beyond Malaysia, in the same manner as if such act had been committed within Malaysia.

Extension of Code to extraterritorial offences

4. (1) The provisions of Chapters VI, VIA and VIB shall apply to any offence committed—

(a) by any citizen or any permanent resident on the high seas on board any ship or on any aircraft whether or not such ship or aircraft is registered in Malaysia;

(b) by any citizen or any permanent resident in any place without and beyond the limits of Malaysia;

(c) by any person against a citizen of Malaysia;

(d) by any person against property belonging to, or operated or controlled by, in whole or in part, the Government of Malaysia or the Government of any State in Malaysia, including diplomatic or consular premises of Malaysia, any citizen of Malaysia, or any corporation created by or under the laws of Malaysia located outside Malaysia;

(e) by any person to compel the Government of Malaysia or the Government of any State in Malaysia to do or refrain from doing any act;

(f) by any stateless person who has his habitual residence in Malaysia;

(g) by any person against or on board a fixed platform while it is located on the continental shelf of Malaysia; or

(h) by any person who after the commission of the offence is present in Malaysia,

as if the offence had been committed in Malaysia.

(2) In this section—

(a) "offence" includes every act done outside Malaysia which, if done in Malaysia, would be an offence punishable under this Code;

(b) "permanent resident" has the meaning assigned by the Courts of Judicature Act 1964 [*Act 91*].

Certain laws not to be affected by this Code

5. Nothing in this Code is intended to repeal, vary, suspend or affect any of the provisions of any written law for punishing mutiny and desertion of officers, soldiers and airmen in the Malaysian Armed Forces, or of any other law for the time being in force.

CHAPTER II

GENERAL EXPLANATIONS

Definitions in the Code to be understood subject to exceptions

6. Throughout this Code every definition of an offence, every penal provision and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision or illustration.

ILLUSTRATIONS

(a) The sections in this Code which contain definitions of offences, do not express that a child under ten years of age cannot commit such offences, but the definitions are to be understood subject to the general exception which provides that "nothing shall be an offence which is done by a child under ten years of age".

(b) *A*, a police officer, without warrant, apprehends *Z*, who has committed murder. Here *A* is not guilty of the offence of wrongful confinement, for he was bound by law to apprehend *Z*, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

Expression once explained is used in the same sense throughout the Code

7. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

"Gender"

8. The pronoun "he" and its derivatives are used of any person, whether male or female.

"Number"

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Man" and "woman"

10. The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

"Person"

11. The word "person" includes any company or association or body of persons, whether incorporated or not.

"Public"

12. The word "public" includes any class of the public or any community.

13. (*Deleted by L.N. (N.S.) 1 of 1957*).

14–16. (*There are no ss. 14–16*).

"Government"

17. "Government" includes the Government of Malaysia and of the States and any person lawfully performing executive functions of Government under any written law.

18. (*There is no s. 18*).

"Judge"

19. The word "judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

ILLUSTRATIONS

(a) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(b) A President of a Town Board holding an enquiry as to the origin of a fire under the provisions of the Town Boards Enactment is a Judge.

"Court"

20. The word "Court" denotes a judge who is empowered by law to act judicially alone, or a body of judges which is empowered by law to act judicially as a body, when such judge or body of judges is acting judicially.

"Public servant"

21. The words "public servant" denote a person falling under any of the descriptions hereinafter following:

(a) (*Deleted by L.N. (N.S.) 1 of 1957*);

(b) every Commissioned Officer in the Malaysian Armed Forces;

(c) every Judge;

(d) every officer of a Court whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court to perform any of such duties;

(e) every juryman or assessor assisting a Court or public servant;

(f) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(g) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(h) every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(i) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to execute any revenue process, or to investigate, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty;

(j) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district.

Explanation 1—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2—Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

"Movable property"

22. The words "movable property" are intended to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to anything which is attached to the earth.

ILLUSTRATION

Writings, relating to real or personal property or rights, are movable property.

"Wrongful gain" and "wrongful loss"

23. "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

"Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

"Dishonestly"

24. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, irrespective of whether the act causes actual wrongful loss or gain, is said to do that thing "dishonestly".

Explanation—In relation to the offence of criminal misappropriation or criminal breach of trust it is immaterial whether there was an intention to defraud or to deceive any person.

"Fraudulently"

25. A person is said to do a thing fraudulently if he does that thing with intend to defraud, but not otherwise.

"Reason to believe"

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

"Property in possession of wife, clerk or servant"

27. When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this section.

"Counterfeit"

28. A person is said to "counterfeit", who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1—It is not essential to counterfeiting that the imitation should be exact.

Explanation 2—Where a person causes one thing to resemble another thing and the resemblance is such that a person might be deceived thereby it shall be presumed until the contrary is proved that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised.

"Document"

29. (1) The word "document" means any matter expressed, described or howsoever represented, upon any substance, material, thing or article, including any matter embodied in a disc, tape, film, sound track or other device whatsoever, by means of—

(a) letters, figures, marks, symbols, signals, signs or other forms of expression, description or representation whatsoever;

(b) any visual recording (whether of still or moving images);

(c) any sound recording, or any electronic, magnetic, mechanical or other recording whatsoever and howsoever made, or any sounds, electronic impulses, or other data whatsoever;

(d) a recording, or transmission, over a distance of any matter by any, or any combination, of the means mentioned in paragraph *(a)*, *(b)* or *(c)*,

or by more than one of the means mentioned in paragraphs *(a)*, *(b)*, *(c)* and *(d)*, intended to be used or which may be used for the purpose of expressing, describing, or howsoever representing, that matter.

(2) For the purposes of this section—

(a) "film" includes a microfilm and any negative;

(b) "microfilm" means any transparent material bearing a visual image in reduced size either singly or as a series and includes a microfiche;

(c) "negative" means a transparent negative photograph on any substance or material, and includes any transparent negative photograph made from the original negative photograph.

ILLUSTRATIONS

A writing is a document.

Words printed, lithographed or photographed are documents.

A map, plan, graph or sketch is a document.

An inscription on wood, metal, stone or any other substance, material or thing is a document.

A drawing, painting, picture or caricature is a document.

A photograph or a negative is a document.

A tape recording of a telephonic communication, including a recording of such communication transmitted over distance, is a document.

A photographic or other visual recording, including a recording of a photographic or other visual transmission over a distance, is a document.

A matter recorded, stored, processed, retrieved or produced by a computer is a document.

Explanation—Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

ILLUSTRATION

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder", or words to that effect, has been written over the signature.

"Valuable security"

30. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

ILLUSTRATION

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security".

"A will"

31. The words "a will" denote any testamentary document.

Words referring to acts include illegal omissions

32. In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

"Act" and "omission"

33. The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

Each of several persons liable for an act done by all, in like manner as if done by him alone

34. When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if the act were done by him alone.

When such an act is criminal by reason of its being done with a criminal knowledge or intention

35. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention, is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

Effect caused partly by act and partly by omission

36. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

ILLUSTRATION

A intentionally causes *Z*'s death, partly by illegally omitting to give *Z* food, and partly by beating *Z*. *A* has committed murder.

Cooperation by doing one of several acts constituting an offence

37. When an offence is committed by means of several acts, whoever intentionally cooperates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

ILLUSTRATIONS

(a) *A* and *B* agree to murder *Z*, by severally, and at different times, giving him small doses of poison. *A* and *B* administer the poison, according to the agreement with intent to murder *Z*. *Z* dies from the effects of the several doses of poison so administered to him. Here *A* and *B* intentionally cooperate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence, though their acts are separate.

(b) *A* and *B* are joint jailors, and as such have the charge of *Z*, a prisoner, alternately for six hours at a time. *A* and *B*, intending to cause *Z*'s death, knowingly cooperate in causing that effect by illegally omitting, each during the time of his attendance, to furnish *Z* with food supplied to them for that purpose. *Z* dies of hunger. Both *A* and *B* are guilty of the murder of *Z*.

(c) *A*, a jailor, has the charge of *Z*, a prisoner. *A*, intending to cause *Z*'s death, illegally omits to supply *Z* with food; in consequence of which *Z* is much reduced in strength, but the starvation is not sufficient to cause his death. *A* is dismissed from his office, and *B* succeeds him. *B*, without collusion or cooperation with *A*, illegally omits to supply *Z* with food, knowing that he is likely thereby to cause *Z*'s death. *Z* dies of hunger. *B* is guilty of murder; but as *A* did not cooperate with *B*, *A* is guilty only of an attempt to commit murder.

Several persons engaged in the commission of a criminal act, may be guilty of different offences

38. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

ILLUSTRATION

A attacks *Z* under such circumstances of grave provocation that his killing of *Z* would be only culpable homicide not amounting to murder. *B*, having ill will towards *Z*, and intending to kill him, and not having been subject to the provocation, assists *A* in killing *Z*. Here, though *A* and *B* are both engaged in causing *Z*'s death, *B* is guilty of murder, and *A* is guilty only of culpable homicide.

"Voluntarily"

39. A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at time of employing those means, he knew or had reason to believe to be likely to cause it.

ILLUSTRATION

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here *A* may not have intended to cause death, and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

"Offence"

40. (1) Except in the Chapter and sections mentioned in subsections (2) and (3), the word "offence" denotes a thing made punishable by this Code.

(2) In Chapter IV and in sections 71, 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word "offence" denotes a thing punishable under this Code or under any other law for the time being in force.

(3) In sections 141, 176, 177, 201, 202, 212, 216 and 441, the word "offence" has the same meaning when the thing punishable under any other law for the time being in force is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

41–42. (*There are no ss. 41–42*).

"Illegal", "unlawful" and "legally bound to do"

43. The word "illegal" or "unlawful" is applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for a civil action.

And in respect of the word "illegal", a person is said to be "legally bound to do" whatever it is illegal in him to omit.

"Injury"

44. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

"Life"

45. The word "life" denotes the life of a human being, unless the contrary appears from the context.

"Death"

46. The word "death" denotes the death of a human being, unless the contrary appears from the context.

"Animal"

47. The word "animal" denotes any living creature, other than a human being.

"Vessel"

48. The word "vessel" denotes anything made for the conveyance by water of human beings, or of property.

"Year" and "month"

49. Whenever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the Gregorian Calendar.

"Section"

50. The word "section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

"Oath"

51. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant, or to be used for the purpose of proof, whether in a Court or not.

"Good faith"

52. Nothing is said to be done or believed in good faith which is done or believed without due care and attention.

"Non-serious offence"

52A. The words "non-serious offence" denote an offence punishable with imprisonment for a term of not more than ten years.

"Serious offence"

52B. The words "serious offence" denote an offence punishable with imprisonment for a term of ten years or more.

CHAPTER III

PUNISHMENTS

53. (*Deleted by F.M. Ord. 14 of 1953*).

54–55. (*Deleted by L.N. (N.S.) 1 of 1957*).

56. (*There is no s. 56*).

Fractions of terms of punishment

57. In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for thirty years.

58. (*There is no s. 58*).

59–60. (*Deleted by F.M. Ord. 14 of 1953*).

61–62. (*There are no ss. 61–62*).

63–64. (*Deleted by F.M.S. En. 1 of 1936*).

65. (*There is no s. 65*).

66–70. (*Deleted by F.M.S. En. 1 of 1936*).

Limit of punishment of offence which is made up of several offences

71. (1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such of his offences, unless it be so expressly provided.

(2) Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or where several acts of which one or more than one would by itself or themselves constitute an offence constitute when combined a different offence the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

ILLUSTRATIONS

(a) *A* gives *Z* fifty strokes with a stick. Here *A* may have committed the offence of voluntarily causing hurt to *Z* by the whole beating, and also by each of the blows which make up the whole beating. If *A* were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while *A* is beating *Z*, *Y* interferes, and *A* intentionally strikes *Y*, here, as the blow given to *Y* is no part of the act whereby *A* voluntarily causes hurt to *Z*, *A* is liable to one punishment for voluntarily causing hurt to *Z*, and to another for the blow given to *Y*.

Punishment of a person found guilty of one of several offences, the judgment stating that it is doubtful of which

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

73–74. (*Deleted by F.M. Ord. 14 of 1953*).

Punishment of persons convicted, after a previous conviction of an offence punishable with three years imprisonment

75. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII with imprisonment for a term of three years or upwards, or having been convicted in any other part of Malaysia, in the Republic of Singapore or in the State of Brunei of an offence of a nature similar to any of those offences, shall be guilty of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards, and shall be subject for every such subsequent offence to double the amount of punishment to which he would otherwise have been liable for the same.

Punishment of mandatory imprisonment for persons convicted of multiple serious offences

75A. Whoever, having been convicted at least two times of a serious offence and was punished with at least two years of imprisonment for each of those convictions, shall be punished with mandatory imprisonment for the third and subsequent offences and the term of imprisonment shall not be less than double the term of the longer term of imprisonment imposed for the previous convictions.

CHAPTER IV

GENERAL EXCEPTIONS

Act done by a person bound, or by mistake of fact believing himself bound, by law

76. Nothing is an offence which is done by a person who is, or who, by reason of a mistake of fact and not by reason of a mistake of law, in good faith believes himself to be, bound by law to do it.

ILLUSTRATIONS

(a) *A*, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. *A* has committed no offence.

(b) *A*, an officer of a Court, being ordered by that Court to arrest *Y*, and, after due enquiry, believing *Z* to be *Y*, arrests *Z*. *A* has committed no offence.

Act of Judge when acting judicially

77. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act done pursuant to the judgment or order of a Court

78. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court, if done while such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

Act done by a person justified, or by mistake of fact believing himself justified by law

79. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law, in doing it.

ILLUSTRATION

A sees *Z* commit what appears to *A* to be a murder. *A*, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes *Z*, in order to bring *Z* before the proper authorities. *A* has committed no offence, though it may turn out that *Z* was acting in self-defence.

Accident in the doing of a lawful act

80. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge, in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution.

ILLUSTRATION

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of *A*, his act is excusable and not an offence.

Act likely to cause harm but done without a criminal intent, and to prevent other harm

81. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

ILLUSTRATIONS

(a) *A*, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat *B*, with 20 or 30 passengers on board, unless he changes the course of his vessel; and that, by changing his course, he must incur risk of running down a boat, *C*, with only two passengers on board, which he may possibly

clear. Here, if *A* alters his course without any intention to run down the boat *C*, and in good faith for the purposes of avoiding the danger to the passengers in the boat *B*, he is not guilty of an offence, though he may run down the boat *C*, by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat *C*.

(b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention, in good faith, of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse *A*'s act, *A* is not guilty of the offence.

Act of a child under 10 years of age

82. Nothing is an offence which is done by a child under ten years of age.

Act of a child above 10 and under 12 years of age, who has not attained sufficient maturity of understanding

83. Nothing is an offence which is done by a child above ten years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

Act of a person of unsound mind

84. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Intoxication when a defence

85. (1) Save as provided in this section and in section 86, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—

(a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

(b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

Effect of defence of intoxication when established

86. (1) Where the defence under subsection 85(2) is established, then in a case falling under paragraph *(a)* thereof the accused person shall be acquitted, and in a case falling under paragraph *(b)*, the provisions of section 84 of this Code, sections 347 and 348 of the Criminal Procedure Code [*Act 593*] shall apply.

(2) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(3) For the purpose of this and the preceding section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

Act not intended and not known to be likely to cause death or grievous hurt, done by consent

87. Nothing, which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

ILLUSTRATION

A and *Z* agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if *A*, while playing fairly, hurts *Z*, *A* commits no offence.

Act not intended to cause death, done by consent in good faith for the benefit of a person

88. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

ILLUSTRATION

A, a surgeon, knowing that a particular operation is likely to cause the death of *Z*, who suffers under a painful complaint, but not intending to cause *Z*'s death, and intending in good faith, *Z*'s benefit, performs that operation on *Z*, with *Z*'s consent. *A* has committed no offence.

Act done in good faith for the benefit of a child or person of unsound mind, by or by consent of guardian

89. Nothing, which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person:

Provided that this exception shall not extend to—

(a) the intentional causing of death, or to the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause death for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

(c) the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

(d) the abetment of any offence, to the committing of which offence it would not extend.

ILLUSTRATION

A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. *A* is within the exception, in as much as his object was the cure of the child.

Consent known to be given under fear or misconception and consent of a child or person of unsound mind

90. A consent is not such a consent as is intended by any section of this Code—

(a) if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception;

(b) if the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

(c) unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 87, 88 and 89

91. The exceptions in sections 87, 88 and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

ILLUSTRATION

Causing miscarriage, except in cases excepted under section 312, is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm"; and the consent of the woman, or of her guardian, to the causing of such miscarriage does not justify the act.

Act done in good faith for the benefit of a person without consent

92. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that, this exception shall not extend to—

(a) the intentional causing of death, or the attempting to cause death;

(b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

(c) the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

(d) the abetment of any offence, to the committing of which offence it would not extend.

ILLUSTRATIONS

(a) *Z* is thrown from his horse and is insensible. *A*, a surgeon, finds that *Z* requires to be trepanned. *A*, not intending *Z*'s death, but in good faith, for *Z*'s benefit, performs the trepan before *Z* recovers his power of judging for himself. *A* has committed no offence.

(b) *Z* is carried off by a tiger. *A* fires at the tiger, knowing it to be likely that the shot may kill *Z*, but not intending to kill *Z*, and in good faith intending *Z*'s benefit. *A*'s ball gives *Z* a mortal wound. *A* has committed no offence.

(c) *A*, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. *A* performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. *A* has committed no offence.

(d) *A* is in a house which is on fire, with *Z*, a child. People below hold out a blanket. *A* drops the child from the housetop, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending in good faith, the child's benefit. Here, even if the child is killed by the fall, *A* has committed no offence.

Explanation—Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and 92.

Communication made in good faith

93. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

ILLUSTRATION

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. *A* has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

Act to which a person is compelled by threats

94. Except murder, offences included in Chapter VI punishable with death and offences included in Chapter VIA, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided that the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1—A person who, of his own accord, or by reason of a threat of being beaten, joins gang-robbers knowing their character, is not entitled to the benefit of this exception on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2—A person seized by gang-robbers, and forced by threat of instant death to do a thing which is an offence by law—for example, a smith compelled to take his tools and to force the door of a house for the gang-robbers to enter and plunder it—is entitled to the benefit of this exception.

Act causing slight harm

95. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Right of Private Defence

Nothing done in private defence is an offence

96. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence of the body and of property

97. Every person has a right, subject to the restrictions contained in section 99, to defend—

(a) his own body, and the body of any other person, against any offence affecting the human body;

(b) the property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

Right of private defence against the act of a person of unsound mind

98. When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

ILLUSTRATIONS

(a) *Z*, under the influence of madness, attempts to kill *A*. *Z* is guilty of no offence. But *A* has the same right of private defence which he would have if *Z* were sane.

(b) *A* enters, by night, a house which he is legally entitled to enter. *Z*, in good faith, taking *A*, for a housebreaker, attacks *A*. Here *Z*, by attacking *A*, under this misconception, commits no offence. But *A* has the same right of private defence against *Z*, which he would have if *Z* were not acting under that misconception.

Acts against which there is no right of private defence

99. (1) There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

(2) There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

(3) There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

(4) The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction; or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority, if demanded.

When the right of private defence of the body extends to causing death

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right is of any of the following descriptions:

(a) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

(b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

(c) an assault with the intention of committing rape;

(d) an assault with the intention of gratifying unnatural lust;

(e) an assault with the intention of kidnapping or abducting;

(f) an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death

101. If the offence is not of any of the descriptions enumerated in section 100, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 99, to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of private defence of the body

102. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence, though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

When the right of private defence of property extends to causing death

103. The right of private defence of property extends, under the restrictions mentioned in section 99, to the voluntary causing of death or of any other harm to the wrongdoer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, is an offence of any of the following descriptions:

(a) robbery;

(b) housebreaking by night;

(c) mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;

(d) theft, mischief or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

When such right extends to causing any harm other than death

104. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, is theft, mischief or criminal trespass, not of any of the descriptions enumerated in section 103, that right does not extend to the voluntary causing of death, but does extend subject to the restrictions mentioned in section 99, to the voluntary causing to the wrongdoer of any harm other than death.

Commencement and continuance of the right of private defence of property

105. (1) The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

(2) The right of private defence of property against theft continues till the offender has effected his retreat with the property, or till assistance of the public authorities is obtained, or till the property has been recovered.

(3) The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death, or hurt, or wrongful restrain, or as long as the fear of instant death, or of instant hurt, or of instant personal restraint continues.

(4) The right of private defence of property against criminal trespass or mischief, continues as long as the offender continues in the commission of criminal trespass or mischief.

(5) The right of private defence of property against housebreaking by night continues as long as house-trespass which has been begun by such housebreaking continues.

Right of private defence against a deadly assault when there is risk of harm to an innocent person

106. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender is so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

ILLUSTRATION

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. *A* commits no offence if by so firing he harms any of the children.

CHAPTER V

ABETMENT

Abetment of a thing

107. A person abets the doing of a thing who—

(a) instigates any person to do that thing;

(aa) commands any person to do that thing;

(b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

ILLUSTRATION

A, a public officer, is authorized by a warrant from a Court to apprehend *Z*. *B*, knowing that fact and also that *C* is not *Z*, wilfully represents to *A* that *C* is *Z*, and thereby intentionally causes *A* to apprehend *C*. Here *B* abets by instigation the apprehension of *C*.

Explanation 2—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation 3—Whoever masterminds the doing of an act is said to command the doing of that act.

ILLUSTRATION

A, the head of an organized criminal group *B*, masterminds *C* and *D* to kidnap *E*. *A* is guilty of abetment.

Abettor

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

Explanation 2—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

ILLUSTRATIONS

(a) A instigates *B* to murder *C*. *B* refuses to do so. *A* is guilty of abetting *B* to commit murder.

(b) A instigates *B* to murder *D*. *B*, in pursuance of the instigation stabs *D*. *D* recovers from the wound. *A* is guilty of instigating *B* to commit murder.

Explanation 3—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

ILLUSTRATIONS

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as *A*. Here *A*, whether the act is committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering *Z*, instigates *B*, a child under seven years of age, to do an act which causes *Z*'s death. *B*, in consequence of the abetment, does the act, and thereby causes *Z*'s death. Here, though *B* was not capable by law of committing an offence, *A* is liable to be punished in the same manner as if *B* had been capable by law of committing an offence and had committed murder, and he is therefore subject to the punishment of death.

(c) *A* instigates *B* to set fire to a dwelling house. *B*, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of *A*'s instigation. *B* has committed no offence, but *A* is guilty of abetting the offence of setting fire to a dwelling house, and is liable to the punishment provided for that offence.

(d) *A*, intending to cause a theft to be committed, instigates *B* to take property belonging to *Z* out of *Z*'s possession. *A* induces *B* to believe that the property belongs to *A*. *B* takes the property out of *Z*'s possession, in good faith believing it to be *A*'s property. *B*, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But *A* is guilty of abetting theft, and is liable to the same punishment as if *B* had committed theft.

Explanation 4—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

ILLUSTRATION

A instigates *B* to instigate *C* to murder *Z*. *B* accordingly instigates *C* to murder *Z*, and *C* commits that offence in consequence of B's instigation. *B* is liable to be punished for his offence with the punishment for murder; and as A instigated *B* to commit the offence *A* is also liable to the same punishment.

Explanation 5—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

ILLUSTRATION

A concerts with *B* a plan for poisoning *Z*. It is agreed that *A* shall administer the poison. *B* then explains the plan to *C*, mentioning that a third person is to administer the poison, but without mentioning *A*'s name. *C* agrees to procure the poison, and procures and delivers it to *B* for the purpose of its being used in the manner explained. *A* administers the poison; *Z* dies in consequence. Here, though *A* and *C* have not conspired together, yet *C* has been engaged in the conspiracy in pursuance of which *Z* has been murdered. *C* has therefore committed the offence defined in this section, and is liable to the punishment for murder.

Abetment in Malaysia of offences outside Malaysia

108A. A person abets an offence within the meaning of this Code who, in Malaysia, abets the commission of any act without and beyond Malaysia which would constitute an offence if committed in Malaysia.

ILLUSTRATION

A, in Malaysia, instigates *B*, a foreigner in Java, to commit murder in Java. *A* is guilty of abetting murder.

Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

ILLUSTRATIONS

(a) *A* offers a bribe to *B*, a public servant, as a reward for showing *A* some favour in the exercise of *B*'s official functions. *B* accepts the bribe. *A* has abetted the offence defined in section 161.

(b) *A* instigates *B* to give false evidence. *B*, in consequence of the instigation, commits that offence. *A* is guilty of abetting that offence, and is liable to the same punishment as *B*.

(c) *A* and *B* conspire to poison *Z*. *A*, in pursuance of the conspiracy, procures the poison and delivers it to *B*, in order that he may administer it to *Z*. *B*, in pursuance of the conspiracy administers the poison to *Z* in *A*'s absence and thereby causes *Z*'s death. Here *B* is guilty of murder. *A* is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Punishment of abetment if the person abetted does the act with a different intention from that of the abettor

110. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Liability of abettor when one act is abetted and a different act is done

111. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner, and to the same extent, as if he had directly abetted it:

Provided that the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

ILLUSTRATIONS

(a) *A* instigates a child to put poison into the food of *Z*, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of *Y*, which is by the side of that of *Z*. Here, if the child was acting under the influence of *A*'s instigation, and the act done was under the circumstances a probable consequence of the abetment, *A* is liable in the same manner, and to the same extent, as if he had instigated the child to put the poison into the food of *Y*.

(b) *A* instigates *B* to burn *Z*'s house. *B* sets fire to the house, and at the same time commits theft of property there. *A*, though guilty of abetting the burning of the house, is not guilty of abetting the theft for the theft was a distinct act, and not a probable consequence of the burning.

(c) *A*, instigates *B* and *C* to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. *B* and *C* break into the house, and being resisted by *Z*, one of the inmates, murder *Z*. Here, if that murder was the probable consequence of the abetment, *A* is liable to the punishment provided for murder.

Abettor, when liable to cumulative punishment for act abetted and for act done

112. If the act for which the abettor is liable under section 111 is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

ILLUSTRATION

A instigates *B* to resist by force a distress made by a public servant. *B*, in consequence, resists that distress. In offering the resistance, *B* voluntarily causes grievous hurt to the officer executing the distress. As *B* has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, *B* is liable to punishment for both these offences; and if *A* knew that *B* was likely voluntarily to cause grievous hurt in resisting the distress, *A* will also be liable to punishment for each of the offences.

Liability of abettor for an offence caused by the act abetted different from that intended by the abettor

113. When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner, and to the same extent, as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

ILLUSTRATION

A instigates *B* to cause grievous hurt to *Z*, *B*, in consequence of the instigation, causes grievous hurt to *Z*. *Z* dies in consequence. Here, if *A* knew that the grievous hurt abetted was likely to cause death, *A* is liable to be punished with the punishment provided for murder.

Abettor present when offence committed

114. Whenever any person who, if absent, would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

Abetment of an offence punishable with death or imprisonment for life

115. Whoever abets the commission of an offence punishable with death or imprisonment for life or imprisonment for a term which may extend to twenty years, shall, if that offence is not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished

with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and shall if any act for which the abettor is liable in consequence of the abetment and which causes hurt to any person, is done, the abettor shall be liable to imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

ILLUSTRATION

A instigates *B* to murder *Z*. The offence is not committed. If *B* had murdered *Z*, he would have been subject to the punishment of death. Therefore, *A* is liable to imprisonment for a term which may extend to seven years, and also to a fine; and if any hurt be done to *Z* in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Abetment of an offence punishable with imprisonment

116. Whoever abets an offence punishable with imprisonment shall, if that offence is not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment for a term which may extend to one-fourth part of the longest term provided for that offence or with such fine as is provided for that offence or with both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment for a term which may extend to one-half of the longest term provided for that offence or with such fine as is provided for the offence or with both.

ILLUSTRATIONS

(a) *A* offers a bribe to *B*, a public servant, as a reward for showing *A* some favour in the exercise of *B*'s official functions. *B* refuses to accept the bribe. *A* is punishable under this section.

(b) *A* instigates *B* to give false evidence. Here, if *B* does not give false evidence, *A* has nevertheless committed the offence defined in this section, and is punishable accordingly.

(c) *A*, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery is not committed, *A* is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of a robbery by *A*, a police officer, whose duty it is to prevent that offence. Here, though the robbery is not committed, *B* is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Abetting the commission of an offence by the public, or by more than ten persons

117. Whoever abets the commission of an offence by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

ILLUSTRATION

A affixes in a public place a placard, instigating a sect consisting of more than ten members, to meet at a certain time and place for the purpose of attacking the members of an adverse sect while engaged in a procession. *A* has committed the offence defined in this section.

Concealing a design to commit an offence punishable with death or imprisonment for life

118. Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with death or imprisonment for life or imprisonment for a term which may extend to twenty years, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if that offence is committed, be punished with imprisonment for a term which may extend to seven years, or if the offence is not committed, with imprisonment for a term which may extend to three years, and, in either case, shall also be liable to fine.

ILLUSTRATION

A, knowing that a gang-robbery is about to be committed at *B*, falsely informs the police that a gang-robbery is about to be committed at *C*, a place in an opposite direction, and thereby misleads the police with intent to facilitate the commission of the offence. The gang-robbery is committed at *B* in pursuance of the design. *A* is punishable under this section.

A public servant concealing a design to commit an offence which it is his duty to prevent

119. Whoever, being a public servant, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence, the commission of which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence is committed, be punished with imprisonment for a term which may extend to one-half of the longest term provided for the offence or with such fine as is provided for the offence or with both; or if the offence is punishable with death or imprisonment for life or imprisonment for a term which may extend to twenty years, with imprisonment for a term which may extend to ten years; or, if the offence is not committed, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term provided for the offence or with such fine as is provided for the offence or with both.

ILLUSTRATION

A, an officer of police, being legally bound to give information of all designs to commit robbery, which may come to his knowledge, and knowing that *B* designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here *A* has by an illegal omission concealed the existence of *B*'s design, and is liable to punishment according to this section.

Concealing a design to commit an offence punishable with imprisonment

120. Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence is committed, be punished with imprisonment for a term which may extend to one-fourth, and if the offence is not committed, to one-eighth of the longest term provided for the offence or with such fine as is provided for the offence or with both.

Chapter Va

CRIMINAL CONSPIRACY

Definition of criminal conspiracy

120A. When two or more persons agree to do, or cause to be done—

(a) an illegal act; or

(b) an act, which is not illegal, by illegal means,

such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation 1—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

Explanation 2—Where liability for any offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstance necessary for the commission of the offence, a person shall nevertheless not be guilty of conspiracy to commit the offence unless he and at least one other party to the agreement intend or know that that fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

ILLUSTRATIONS

(a) If *A* and *B* agree to embark on a bombing campaign throughout Malaysia, and either one of them commits an act in furtherance of the agreement such as acquiring Ammonium Nitrate fertilizer or other bomb making components, they will each be guilty of conspiracy to cause explosions even though no bombing targets were identified and no bombing was actually attempted.

(b) A wilfully and knowingly joins an enterprise of persons consisting of *B*, *C* and *D* where they share a common criminal purpose to commit certain offences such as attacking civilian objects, murder and terrorism, and at least one of them acts on the plan by surveilling targets or securing a weapon to be used in the attacks. All four are guilty of conspiracy to attack civilian objects, and commit murder and terrorism the moment any one of them acts on the plan.

(c) A and *B* agree to cheat the Government on a contract for goods by inflating the price of goods quoted in the tender document. *A* and *B* intend to conceal the real price of the goods to the Government. *A* and *B* are guilty of conspiring to cheat the Government the moment that one of them drafts the fraudulent tender document or engages in any other act in furtherance of the plan.

(d) A, B and *C* agree to engage in fraud and misuse of visas, permits or other documents to facilitate a particular act of terrorism in Malaysia. All three are guilty of conspiracy to provide support for the commission of a terrorist act the moment any one of them engages in an act in furtherance of the plan, such as acquiring the visas or other materials necessary to produce the fraudulent documents.

Punishment of criminal conspiracy

120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for a term of two years or upwards shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Subject to subsection (3), whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment for a term not exceeding six months or with fine or with both.

(3) If the offence, the commission of which is the object of the conspiracy, is a minor offence under the Minor Offences Act 1955 [*Act 336*] the punishment for such conspiracy shall not exceed the maximum punishment provided for such minor offence.

CHAPTER VI

OFFENCES AGAINST THE STATE

Waging or attempting to wage war or abetting the waging of war against the Yang di-Pertuan Agong, a Ruler or Yang di-Pertua Negeri

121. Whoever wages war against the Yang di-Pertuan Agong or against any of the Rulers or Yang di-Pertua Negeri, or attempts to wage such war, or abets the waging of such war, shall be punished with death or imprisonment for life, and if not sentenced to death shall also be liable to fine.

Offences against the person of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri

121A. Whoever compasses, imagines, invents, devises or intends the death of or hurt to or imprisonment or restraint of the Yang di-Pertuan Agong or any of the Rulers or Yang di-Pertua Negeri, their heirs or successors, shall be punished with death and shall also be liable to fine.

Offences against the authority of the Yang di-Pertuan Agong, Ruler or Yang di-Pertua Negeri

121B. Whoever compasses, imagines, invents or intends the deposition or deprivation of the Yang di-Pertuan Agong from the sovereignty of Malaysia or the deprivation or deposition of the Ruler, his heirs or successors, or of the Yang di-Pertua Negeri from the rule of a State, or the overawing by means of criminal force or the show of criminal force the Government of Malaysia or of any State, shall be punished with imprisonment for life and shall also be liable to fine.

Abetting offences under section 121A or 121B

121c. Whoever abets the commission of any of the offences punishable by section 121A or 121B shall be punished with the punishment provided for the said offences.

Intentional omission to give information of offences against section 121, 121A, 121B or 121C by a person bound to inform

121D. Whoever knowing or having reason to believe that any offence punishable under section 121, 121A, 121B or 121C has been committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Collecting arms, *etc*., with the intention of waging war against the Yang di-Pertuan Agong, a Ruler or Yang di-Pertua Negeri

122. Whoever collects or attempts to collect men, arms or ammunition, or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Yang di-Pertuan Agong or any of the Rulers or the Yang di-Pertua Negeri or abets the waging or the preparation of such war, shall be punished with imprisonment for life or imprisonment for a term not exceeding twenty years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war

123. Whoever by any act, or by illegal omission, conceals or attempts to conceal the existence of a design to wage war against the Yang di-Pertuan Agong or any of the Rulers or the Yang di-Pertua Negeri, intending by such concealment or attempted concealment to facilitate, or knowing it to be likely that such concealment or attempted concealment will facilitate, the waging of such war, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Assaulting member of Parliament, *etc*., with intent to compel or restrain the exercise of any lawful power

124. Whoever, with the intention of inducing or compelling or attempting to induce or compel a member of Parliament or of any Legislative Assembly or of any State Executive Council to exercise or refrain from exercising in any manner the lawful powers of such member, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of criminal force, or the show of criminal force, or attempts so to overawe, such member shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

124A. (*Deleted by F.M.S. En. 13 of 1939*).

Activity detrimental to parliamentary democracy

124B. Whoever, by any means, directly or indirectly, commits an activity detrimental to parliamentary democracy shall be punished with imprisonment for a term which may extend to twenty years.

Attempt to commit activity detrimental to parliamentary democracy

124C. Whoever attempts to commit an activity detrimental to parliamentary democracy or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to fifteen years.

Printing, sale, *etc*., of documents and publication detrimental to parliamentary democracy

124D. Whoever, by any means, directly or indirectly, prints, publicises, sells, issues, circulates or reproduces any document or publication detrimental to parliamentary democracy shall be punished with imprisonment for a term which may extend to fifteen years:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court that the document or publication in respect of which he is charged was printed, published, sold, issued, circulated or reproduced, as the case may be, without his authority, consent and knowledge, and without any want of due care or caution on his part, and that he did not know and had no reason to suspect the nature of the document or publication.

Possession of documents and publication detrimental to parliamentary democracy

124E. (1) Any person who, without lawful excuse, has in his possession any document or publication detrimental to parliamentary democracy or any extract therefrom, shall be punished with imprisonment for a term which may extend to ten years.

(2) The document and publication referred to in subsection (1) shall be presumed to be a document or publication detrimental to parliamentary democracy until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a document or publication detrimental to parliamentary democracy he shall be deemed to have known the contents and the nature of the contents of such document or publication:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court—

(a) that he was not aware of the contents and the nature of the contents of the document or publication detrimental to parliamentary democracy which he was carrying or had in his possession or under his control; and

(b) that he was carrying or had the document or publication detrimental to parliamentary democracy in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that the document or publication was a document or publication detrimental to parliamentary democracy.

Importation of document and publication detrimental to parliamentary democracy

124F. (1) Any person who imports or attempts to import or abets the importation of any document or publication detrimental to parliamentary democracy or without lawful excuse has in his possession any document or publication shall be punished with imprisonment for a term which may extend to five years.

(2) The document and publication referred to in subsection (1) shall be presumed to be a document or publication detrimental to parliamentary democracy until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a document or publication detrimental to parliamentary democracy he shall be deemed to have known the contents and the nature of the contents of such document or publication:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court—

(a) that he was not aware of the contents and the nature of the contents of the document or publication detrimental to parliamentary democracy which he was carrying or had in his possession or under his control; and

(b) that he was carrying or had the document or publication detrimental to parliamentary democracy in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that the document or publication was a document or publication detrimental to parliamentary democracy.

Posting of placards, *etc*.

124G. Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling violent disobedience to the law or to any lawful order, or likely to lead to any breach of the peace, shall be punished with imprisonment for a term which may extend to five years.

Dissemination of information

124H. Any person who by word of mouth or in writing or in any newspaper, periodical, book, circular, or other printed publication or by any other means including electronic means incites violence, or counsels violent disobedience to the law or to any lawful order, shall be punished with imprisonment for a term which may extend to five years.

Dissemination of false reports

124I. Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular, or other printed publication or by any other means including electronic means spreads false reports or makes false statements likely to cause public alarm, shall be punished with imprisonment for a term which may extend to five years.

Receipt of document and publication detrimental to parliamentary democracy

124J. (1) Any person or any office bearer of any association or any responsible member or agent of any organization who receives any document or publication detrimental to parliamentary democracy shall deliver the same without delay to a police officer; and any person, office bearer, member or agent who fails to do so, or who, unless authorized so to do by a police officer not below the rank of Superintendent of Police, communicates to any other person, or publishes or causes to be published the contents of any such document or publication, shall be punished with imprisonment for a term which may extend to ten years.

(2) The document and publication referred to in subsection (1) shall be presumed to be a document or publication detrimental to parliamentary democracy until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a document or publication detrimental to parliamentary democracy he shall be deemed to have known the contents and the nature of the contents of such document or publication:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court—

(a) that he was not aware of the contents and the nature of the contents of the document or publication detrimental to parliamentary democracy which he was carrying or had in his possession or under his control; and

(b) that he was carrying or had the document or publication detrimental to parliamentary democracy in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that the document or publication was a document or publication detrimental to parliamentary democracy.

Sabotage

124K. Whoever, by any means, directly or indirectly, commits sabotage shall be punished with imprisonment for life.

Attempt to commit sabotage

124L. Whoever attempts to commit sabotage or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to fifteen years.

Espionage

124M. Whoever, by any means, directly or indirectly, commits espionage shall be punished with imprisonment for life.

Attempt to commit espionage

124N. Whoever attempts to commit espionage or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to fifteen years.

Waging war against any power in alliance with the Yang di-Pertuan Agong

125. Whoever whether in conjunction with the enemies of the Yang di-Pertuan Agong or otherwise wages war against the Government of any power in alliance or at peace with the Yang di-Pertuan Agong, or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added; or with imprisonment for a term which may extend to twenty years, to which fine may be added, or with fine.

Harbouring or attempting to harbour any person in Malaysia or person residing in a foreign State at war or in hostility against the Yang di-Pertuan Agong

125A. Whoever by any act, harbours or attempts to harbour, either in Malaysia or in the territories of any power at war with, or otherwise in actual hostility against, the Yang di-Pertuan Agong, or elsewhere, the enemies of the Yang di-Pertuan Agong, shall be punished with imprisonment for life, to which fine may be added; or with imprisonment for a term which may extend to twenty years, to which fine may be added, or with fine.

Committing depredation on the territories of any power at peace with the Yang di-Pertuan Agong

126. Whoever whether in conjunction with the enemies of the Yang di-Pertuan Agong or otherwise commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Yang di-Pertuan Agong, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation.

Receiving property taken by war or depredation mentioned in sections 125 and 126

127. Whoever receives or attempting to receive any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

Public servant voluntarily allowing prisoner of State or war in his custody to escape

128. Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Public servant negligently suffering prisoner of State or war in his custody to escape

129. Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Aiding escape of, rescuing, or harbouring such prisoner

130. Whoever knowingly aids or assists any prisoner of State or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Explanation—A prisoner of State or prisoner of war who is permitted to be at large on his parole within certain limits in Malaysia, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Interpretation of this Chapter

130A. In this Chapter—

(a) "activity detrimental to parliamentary democracy" means an activity carried out by a person or a group of persons designed to overthrow or undermine parliamentary democracy by violent or unconstitutional means;

(b) "document or publication detrimental to parliamentary democracy" means any document or publication having in part or in whole a tendency—

(a) to excite organized violence against persons or property in Malaysia;

(b) to support, propagate or advocate any act prejudicial to the security of Malaysia or the maintenance or restoration of public order therein or inciting to violence therein or counselling violent disobedience to the law thereof or to any lawful order therein; or

(c) to invite, request or demand support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act,

or have acted, in a manner prejudicial to the security of Malaysia or to the maintenance of public order therein, or who incite to violence therein or counsel violent disobedience to the law thereof or any lawful order therein;

(c) "espionage" means an activity to obtain sensitive information by ulterior or illegal means for the purpose that is prejudicial to the security or interest of Malaysia;

(d) "essential services" includes—

(a) water services;

(b) electricity services;

(c) public health services;

(d) banking and financial services;

(e) fire services;

(f) prison services;

(g) postal services;

(h) telecommunication services including the communication infrastructure;

(i) telegraph services;

(j) radio communication services including broadcasting and television services;

(k) port, dock and harbour services and undertakings;

(l) public transport services by land, sea or air; or

(m) bulk distribution of fuel and lubricants;

(e) "harbour" includes supplying a person with shelter, food, drink, money or clothes; or, except by a person employed in a Government hospital, medicines, bandages, surgical dressings or any other form of aid to a person wounded; or arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

(f) "imprisonment for life" means (subject to the provisions of any written law conferring power to grant pardons, reprieves or respites or suspension or remission of punishments) imprisonment until the death of the person on whom the sentence is imposed;

(g) "publication" includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, or an audio recording and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof;

(h) "sabotage" means—

(a) an act or omission intending to cause harm—

(i) for the interests of foreign powers or foreign organizations;

(ii) to premises or utilities used for national defence or for war; or

(iii) to the maintenance of essential services; or

(b) knowingly producing defective materials, premises or utilities used for national defence or for war;

(i) "sensitive information" means any document, information and material—

(a) relating to the Cabinet, Cabinet committees and State Executive Council; or

(b) that concerns sovereignty, national security, defence, public order and international relations,

whether or not classified as "Top Secret", "Secret", "Confidential" or "Restricted" by a minister, the Menteri Besar or Chief Minister of a State or any public officer appointed by a minister, the Menteri Besar or Chief Minister of a State.

Chapter VIa

OFFENCES RELATING TO TERRORISM

Interpretation in relation to this Chapter

130B. (1) In this Chapter—

"entity" means a person, group, trust, partnership or fund;

"explosive or other lethal device" means—

(a) an explosive or incendiary weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage; or

(b) a weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material;

"harbour" includes supplying a person with shelter, food, drink, money or clothes; or, except by a person employed in a Government hospital, medicine, bandages, surgical dressings or any other form of aid to a person wounded; or arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

"imprisonment for life" means (subject to the provisions of any written law conferring power to grant pardons, reprieves or respites or suspension or remission of punishments) imprisonment until the death of the person on whom the sentence is imposed;

"master", in relation to a vessel, means the owner or person (except a harbour master or pilot) having for the time being command or charge of the vessel;

"operator", in relation to an aircraft, means the owner or person for the time being in charge or command or control of the aircraft;

"property" means—

(a) assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, however acquired; or

(b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including bank credits, traveller's cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

"terrorism financing offence" means any offence under section 130N, 130O, 130P or 130Q;

"terrorist" means any person who—

(a) commits, or attempts to commit, any terrorist act; or

(b) participates in or facilitates the commission of any terrorist act,

and includes a specified entity under section 66B or 66C of the *Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 [*Act 613*];

"terrorist entity" means any entity owned or controlled by any terrorist or terrorist group and includes an association of such entities;

"terrorist group" means—

(a) an entity that has as one of its activities and purposes the committing of, or the facilitation of the commission of, a terrorist act; or

(b) a specified entity under section 66B or 66C of the *Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001;

"terrorist property" means—

(a) proceeds from the commission of a terrorist act;

(b) property that has been, is being, or is likely to be used to commit a terrorist act;

**NOTE*—Previously known as the Anti-Money Laundering and Anti-Terrorism Financing Act 2001. Change in short title *vide* section 2 of the Anti-Money Laundering and Anti-Terrorism Financing (Amendment) Act 2014 [*Act A1467*] w.e.f. 1 September 2014—*see* P.U. (B) 400/2014.

(c) property that has been, is being, or is likely to be used by a terrorist, terrorist entity or terrorist group;

(d) property owned or controlled by or on behalf of a terrorist, terrorist entity or terrorist group, including funds derived or generated from such property; or

(e) property that has been collected for the purpose of providing support to a terrorist, terrorist entity or terrorist group or funding a terrorist act.

(2) For the purposes of this Chapter, "terrorist act" means an act or threat of action within or beyond Malaysia where—

(a) the act or threat falls within subsection (3) and does not fall within subsection (4);

(b) the act is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the act or threat is intended or may reasonably be regarded as being intended to—

(i) intimidate the public or a section of the public; or

(ii) influence or compel the Government of Malaysia or the Government of any State in Malaysia, any other government, or any international organization to do or refrain from doing any act.

(3) An act or threat of action falls within this subsection if it—

(a) involves serious bodily injury to a person;

(b) endangers a person's life;

(c) causes a person's death;

(d) creates a serious risk to the health or the safety of the public or a section of the public;

(e) involves serious damage to property;

(f) involves the use of firearms, explosives or other lethal devices;

(g) involves releasing into the environment or any part of the environment or distributing or exposing the public or a section of the public to—

(i) any dangerous, hazardous, radioactive or harmful substance;

(ii) any toxic chemical; or

(iii) any microbial or other biological agent or toxin;

(h) is designed or intended to disrupt or seriously interfere with, any computer systems or the provision of any services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;

(i) is designed or intended to disrupt, or seriously interfere with, the provision of essential emergency services such as police, civil defence or medical services;

(j) involves prejudice to national security or public safety;

(k) involves any combination of any of the acts specified in paragraphs *(a)* to *(j)*,

and includes any act or omission constituting an offence under the Aviation Offences Act 1984 [*Act 307*].

(4) An act or threat of action falls within this subsection if it—

(a) is advocacy, protest, dissent or industrial action; and

(b) is not intended—

(i) to cause serious bodily injury to a person;

(ii) to endanger the life of a person;

(iii) to cause a person's death; or

(iv) to create a serious risk to the health or safety of the public or a section of the public.

(5) For the purposes of subsection (2)—

(a) a reference to any person or property is a reference to any person or property wherever situated, within or outside Malaysia; and

(b) a reference to the public includes a reference to the public of a country or territory other than Malaysia.

Suppression of terrorist acts and support for terrorist acts

Committing terrorist acts

130C. (1) Whoever, by any means, directly or indirectly, commits a terrorist act shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

(2) Where in any criminal proceeding it is necessary to decide whether any item or substance is a weapon, a hazardous, radioactive or harmful substance, a toxic chemical or a microbial or other biological agent or toxin, a certificate purporting to be signed by an appropriate authority to the effect that the item or substance described in the certificate is a weapon, a hazardous, radioactive or harmful substance, a toxic chemical or a microbial or other biological agent or toxin shall be sufficient evidence of the facts stated in it.

Providing devices to terrorist groups

130D. Whoever knowingly provides or offers to provide any explosive or other lethal device to—

(a) a terrorist group;

(b) a member of a terrorist group; or

(c) any other person for use by, or for the benefit of, a terrorist group or a member of a terrorist group,

shall be punished with imprisonment for life or imprisonment for a term not exceeding thirty years, and shall also be liable to fine.

Recruiting persons to be members of terrorist groups or to participate in terrorist acts

130E. Whoever knowingly recruits, or agrees to recruit, another person to be a member of a terrorist group or to participate in the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Providing training and instruction to terrorist groups and persons committing terrorist acts

130F. Whoever knowingly provides training or instruction, or agrees to provide training or instruction—

(a) in the making or use of any explosive or other lethal device;

(b) in carrying out a terrorist act; or

(c) in the practice of military exercises or movements,

to a member of a terrorist group or a person engaging in, or preparing to engage in, the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Receiving training and instruction from terrorist groups and persons committing terrorist acts

130FA. Whoever receives training or instruction, or agrees or arranges to receive training or instruction—

(a) in the making or use of any explosive or other lethal device;

(b) in carrying out a terrorist act; or

(c) in the practice of military exercises or movements,

from a member of a terrorist group or a person engaging in, or preparing to engage in, the commission of a terrorist act shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Attendance at place used for terrorist training

130FB. (1) Whoever attends at any place, within or outside Malaysia—

(a) knowing or having reason to believe that instruction or training is being provided there wholly or partly for the purposes connected with the commission or preparation of a terrorist act; or

(b) where he could not reasonably have failed to understand that instruction or training was being provided there wholly or partly for such purposes,

shall be punished with imprisonment for a term which may extend to ten years, or with fine.

(2) For the purposes of this section, it shall be irrelevant—

(a) whether the person concerned receives the instruction or training himself; and

(b) whether the instruction or training is provided for purposes connected with one or more particular terrorist act.

(3) References in this section to instruction or training being provided include references to instruction or training being made available.

Inciting, promoting or soliciting property for the commission of terrorist acts

130G. Whoever knowingly—

(a) incites or promotes the commission of a terrorist act;

(b) incites or promotes membership in a terrorist group; or

(c) solicits property for the benefit of a terrorist group or for the commission of a terrorist act,

shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Providing facilities in support of terrorist acts

130H. Whoever being—

(a) the owner, occupier, lessee or person in charge of any building, premises, room or place knowingly permits a meeting of persons to be held in that building, premises, room or place;

(b) the master, charterer, lessee, operator or agent of a vessel or the operator, charterer, lessee, agent or pilot in charge of an aircraft knowingly permits that vessel or aircraft to be used; or

(c) the owner, lessee or person in charge of any equipment or facility that allows for recording or conferencing or meetings via technology knowingly permits that equipment or facility to be used,

for the purposes of committing an offence under this Chapter, shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Directing activities of terrorist groups

130I. Whoever intentionally directs the activities of a terrorist group shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

Soliciting or giving support to terrorist groups or for the commission of terrorist acts

130J. (1) Whoever knowingly and in any manner solicits support for, or gives support to—

(a) any terrorist group; or

(b) the commission of a terrorist act,

shall be punished with imprisonment for life or imprisonment for a term not exceeding thirty years, or with fine, and shall also be liable to forfeiture of any property used or intended to be used in connection with the commission of the offence.

(2) For the purposes of subsection (1), "support" includes—

(a) an offer to provide, or the provision of, forged or falsified travel documents to a member of a terrorist group;

(b) an offer to provide, or the provision of, a skill or an expertise for the benefit of, at the direction of or in association with a terrorist group;

(c) entering or remaining in any country for the benefit of, or at the direction of or in association with a terrorist group;

(d) becoming a member of or professing membership of a terrorist group;

(e) arranging, managing or assisting in arranging or managing a meeting to further the activities of a terrorist group;

(f) using or possessing property for the purpose of committing or facilitating the commission of a terrorist act;

(g) accumulating, stockpiling or otherwise keeping firearms, explosives, ammunition, poisons or weapons to further the activities of a terrorist group;

(h) arranging, managing or assisting in arranging or managing the transportation of persons to further the activities of a terrorist group;

(i) travelling to, entering or remaining in any foreign country to further the activities of a terrorist group or to commit a terrorist act;

(j) encouraging or inducing any person to leave Malaysia to further the activities of a terrorist group or to commit a terrorist act; or

(k) using social media or any other means to—

(i) advocate for or to promote a terrorist group, support for a terrorist group or the commission of a terrorist act; or

(ii) further or facilitate the activities of a terrorist group.

Travelling to, through or from Malaysia for the commission of terrorist acts in foreign country

130JA. Whoever, whether or not a citizen or permanent resident of Malaysia, travels to, through or from Malaysia with intent to travel to a foreign country or any part of that foreign country, whether directly or through any other country or territory, for the purpose of the commission or the preparation for the commission of a terrorist act in a foreign country shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Possession, *etc.* of items associated with terrorist groups or terrorist acts

130JB. (1) Whoever—

(a) has possession, custody or control of; or

(b) provides, displays, distributes or sells,

any item associated with any terrorist group or the commission of a terrorist act shall be punished with imprisonment for a term not exceeding seven years, or with fine, and shall also be liable to forfeiture of any such item.

(2) In this section—

"item" includes publications, visual recordings, flags, banners, emblems, insignia and any other thing displaying symbols associated with a terrorist group, terrorist act or ideology of a terrorist group;

"publications" includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, or an audio recording and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof.

Offence to build, *etc.* conveyance for use in terrorist acts

130JC. Whoever—

(a) builds or agrees to build or causes to be built any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist group to further the activities of a terrorist group or to commit a terrorist act;

(b) issues or delivers any commission for any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist group to further the activities of a terrorist group or to commit a terrorist act;

(c) equips any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist group to further the activities of a terrorist group or to commit a terrorist act; or

(d) dispatches or causes or allows to be dispatched any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist group to further the activities of a terrorist group or to commit a terrorist act,

shall be punished with imprisonment for a term not exceeding thirty years, or with fine, and shall also be liable to forfeiture of any such conveyance.

Preparation of terrorist acts

130JD. (1) Whoever, with the intention of committing a terrorist act or assisting another to commit a terrorist act, engages in any conduct in preparation for giving effect to such intention shall be punished with imprisonment for a term not exceeding seven years, and shall also be liable to fine.

(2) For the purposes of subsection (1), it shall be irrelevant whether the intention and preparation relate to one or more particular terrorist act.

Harbouring persons committing terrorist acts

130K. Whoever harbours, or prevents, hinders or interferes with the arrest of any person knowing or having reason to believe that such person—

(a) has committed or is planning or is likely to commit a terrorist act; or

(b) is a member of a terrorist group,

shall be punished with imprisonment for life, and shall also be liable to fine; or with imprisonment for a term which may extend to twenty years, or with fine.

Member of a terrorist group

130KA. Whoever is a member of a terrorist group shall be punished with imprisonment which may extend to imprisonment for life and shall also be liable to a fine.

Criminal conspiracy

130L. (1) Whoever conspires with another person who is in Malaysia to do any act without and beyond Malaysia, being an act, which if done in Malaysia would have constituted an offence under this Chapter shall be deemed to have criminally conspired to do that act in Malaysia.

(2) Whoever conspires with another person in any place without and beyond Malaysia to do any act in Malaysia that constitutes an offence under this Chapter shall be deemed to have criminally conspired in Malaysia to do that act.

Intentional omission to give information relating to terrorist acts

130M. Whoever knowing or having reason to believe that any offence punishable under sections 130C to 130L has been or will be committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Suppression of financing of terrorist acts

Providing or collecting property for terrorist acts

130N. Whoever, by any means, directly or indirectly, provides or collects or makes available any property intending, knowing or having reasonable grounds to believe that the property will be used, in whole or in part, to commit a terrorist act shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine,

and shall also be liable to forfeiture of any property so provided or collected or made available.

Providing services for terrorist purposes

130o. (1) Whoever, directly or indirectly, provides or makes available financial services or facilities—

(a) intending that the services or facilities be used, or knowing or having reasonable grounds to believe that the services or facilities will be used, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act, or for the purpose of benefiting any person who is committing or facilitating the commission of a terrorist act; or

(b) knowing or having reasonable grounds to believe that, in whole or in part, the services or facilities will be used by or will benefit any terrorist, terrorist entity or terrorist group,

shall be punished—

(aa) if the act results in death, with death; and

(bb) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

(2) For the purposes of subsection (1), "financial services or facilities" includes the services and facilities offered by lawyers and accountants acting as nominees or agents for their clients.

Arranging for retention or control of terrorist property

130p. Whoever knowingly enters into an arrangement that facilitates the acquisition, retention or control by or on behalf of another person of terrorist property by concealment, by a removal out of

jurisdiction, by transfer to a nominee or in any other way shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine and to forfeiture of any property so acquired, retained or controlled.

Dealing with terrorist property

130Q. (1) Whoever knowingly deals, directly or indirectly, in any terrorist property shall be punished with imprisonment for a term which may extend to twenty years, or with fine and shall also be liable to forfeiture of any property so dealt with.

(2) For the purposes of subsection (1), "deals in" includes—

(a) acquiring or possessing any terrorist property;

(b) entering into or facilitating, directly or indirectly, any transaction in respect of terrorist property;

(c) converting, concealing or disguising terrorist property; or

(d) providing any financial or other services in respect of any terrorist property to or for the benefit of, or at the direction or order of, any terrorist, terrorist entity or terrorist group.

Accepting gratification to facilitate or enable terrorist acts

130QA. Whoever accepts gratification to facilitate or enable the commission of any terrorist act shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

Intentional omission to give information about terrorist property

130R. Whoever—

(a) having possession, custody or control of any terrorist property; or

(b) having information about any transaction or proposed transaction in respect of any terrorist property,

intentionally omits to give any information respecting that matter, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Intentional omission to give information relating to terrorism financing offence

130S. Whoever knowing or having reason to believe that any offence punishable under section 130N, 130O, 130P or 130Q has been or will be committed intentionally omits to give any information respecting that offence, which he is legally bound to give, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Offences by body corporate

130T. Where an offence under section 130N, 130O, 130P or 130Q has been committed by a body corporate, any person who, at the time of the commission of the offence, was a person responsible for the management or control of the body corporate, which includes a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that—

(a) the offence was committed without his consent or connivance; and

(b) he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Non-application of Offenders Compulsory Attendance Act 1954 and sections 173A, 293 and 294 of the Criminal Procedure Code

130TA. The Offenders Compulsory Attendance Act 1954 [*Act 461*] and sections 173A, 293 and 294 of the Criminal Procedure Code shall not apply to an offence under this Chapter.

CHAPTER VIB

ORGANIZED CRIME

Interpretation in relation to this Chapter

130U. In this Chapter—

"organized criminal group" means a group of two or more persons, acting in concert with the aim of committing one or more serious offences, in order to obtain, directly or indirectly, a material benefit, power or influence.

Member of an organized criminal group

130V. (1) Whoever is a member of an organized criminal group shall be punished with imprisonment for a term *of not less than five years and not more than twenty years.

(2) Until the contrary is proved, a person shall be presumed to be a member of an organized criminal group where—

(a) such person can be identified as belonging to an organized criminal group; or

(b) such person is found with a scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958 [*Act 357*].

**NOTE*—Previously "which may extend to five years"–*see* section 7 of Penal Code (Amendment) Act 2014 [*Act A1471*].

Assisting an organized criminal group

130w. Whoever assists an organized criminal group to further the interest of that group shall be punished with imprisonment for a term which may extend to ten years.

Harbouring member of an organized criminal group

130x. Whoever harbours, or prevents, hinders or interferes with the arrest of a member of an organized criminal group shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Consorting with an organized criminal group

130y. Whoever without reasonable excuse, consorts with a member of an organized criminal group shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be liable to fine.

Recruiting persons to be members of an organized criminal group

130z. Whoever knowingly recruits, or agrees to recruit, another person to be a member of an organized criminal group shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Participation in an organized criminal group

130za. Whoever participates in an organized criminal group—

(a) knowing or having reason to believe that it is an organized criminal group; and

(b) knowing, or having reason to believe that, or being reckless as to whether, his participation in that group contributes to the occurrence of any criminal activity,

shall be punished with imprisonment for a term which may extend to ten years, and shall be liable to fine.

Accepting gratification to facilitate or enable organized criminal activity

130ZB. Whoever accepts gratification to facilitate or enable any organized criminal activity shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

Enhanced penalties for offences committed by an organized criminal group or member of an organized criminal group

130ZC. (1) Any organized criminal group or a member of an organized criminal group convicted of any serious offence under this Code or under any written law shall be punished with imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.

(2) Any organized criminal group or a member of an organized criminal group convicted of any non-serious offence under this Code or under any written law shall be punished with imprisonment for a term of not less than two years and not more than twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.

CHAPTER VII

OFFENCES RELATING TO THE ARMED FORCES

Abetting mutiny, or attempting to seduce a soldier or sailor from his duty

131. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman in the Malaysian Armed Forces, or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Abetment of mutiny, if mutiny is committed in consequence thereof

132. Whoever abets the committing of mutiny by an officer, soldier, sailor or airman in the Malaysian Armed Forces, shall, if mutiny is committed in consequence of that abetment, be punished with death or with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Abetment of an assault by a soldier or sailor on his superior officer, when in the execution of his office

133. Whoever abets an assault by an officer, soldier, sailor or airman in the Malaysian Armed Forces on any superior officer being in the execution of his office, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Abetment of such assault if the assault is committed

134. Whoever abets an assault by an officer, soldier, sailor or airman in the Malaysian Armed Forces on any superior officer being in the execution of his office, shall, if such assault is committed in consequence of that abetment, be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Abetment of the desertion of a soldier, sailor or airman

135. Whoever abets the desertion of any officer, soldier, sailor or airman in the Malaysian Armed Forces shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Harbouring a deserter

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, sailor or airman in the Malaysian Armed Forces has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Exception—This provision does not extend to the case in which the harbour is given by a wife to her husband.

Deserter concealed on board merchant vessel through negligence of master

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Malaysian Armed Forces is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding one thousand ringgit, if he might have known of such concealment, but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Abetment of act of insubordination by a soldier, sailor or airman

138. Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman in the Malaysian Armed Forces shall, if such act of insubordination is committed in consequence of that abetment, be punished with imprisonment for a term which may extend to six months or with fine or with both.

Persons subject to Articles of War not punishable under this Code

139. Where provision is made in any written law relating to the discipline of any of the Malaysian Armed Forces for the punishment of an offence corresponding to an offence defined in this Chapter, no person who is subject to such provision shall be subject to punishment under this Code for the offence defined in this Chapter.

Wearing the dress of a soldier, sailor or airman

140. Whoever, not being a soldier, sailor or airman in the military, naval or air service of the Yang di-Pertuan Agong wears any garb, or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand ringgit or with both.

"Harbour"

140A. In this Chapter the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or assisting a person in any way to evade apprehension.

Application of Chapter VII

140B. The provisions of this Chapter relating to offences committed in relation to officers or soldiers in the Malaysian Armed Forces shall apply *mutatis mutandis* to similar acts committed in relation to—

(a)–(c) (*Deleted by L.N. (N.S.) 1 of 1957*);

(d) members of the police forces of Malaysia or of the Republic of Singapore;

(e)–(f) (*Deleted by L.N. (N.S.) 1 of 1957*).

Chapter VIII

OFFENCES AGAINST THE PUBLIC TRANQUILLITY

Unlawful assembly

141. An assembly of five or more persons is designated an "unlawful assembly", if the common object of the persons composing that assembly is—

(a) to overawe by criminal force, or show of criminal force, the Legislative or Executive Government of Malaysia or any State, or any public servant in the exercise of the lawful power of such public servant;

(b) to resist the execution of any law, or of any legal process;

(c) to commit any mischief or criminal trespass, or other offence;

(d) by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

(e) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation—An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

Being a member of an unlawful assembly

142. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

Punishment

143. Whoever is a member of an unlawful assembly, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Possessing weapons or missiles at unlawful assemblies

144. Any person who attends, takes part in or is found at any unlawful assembly and who has in his possession at such assembly any firearm, ammunition, explosive, corrosive, injurious or obnoxious substance, stick, stone or any weapon or missile capable of use as a weapon of offence shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse

145. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Force used by one member in prosecution of common object

146. Whenever force or violence is used by an unlawful assembly or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Punishment for rioting

147. Whoever is guilty of rioting shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Possessing weapons or missiles at riot

148. Any person who attends, takes part in or is found at any riot and who has in his possession at such riot any firearm, ammunition, explosive, corrosive, injurious or obnoxious substance, stick, stone or any weapon or missile capable of use as a weapon of offence shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Hiring, or conniving at hiring, of persons to join an unlawful assembly

150. Whoever hires or engages or employs, or promotes or connives at the hiring, engagement, or employment of any person to join or become a member of any unlawful assembly shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly, in pursuance of such hiring, engagement, or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse

151. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Explanation—If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

Assaulting or obstructing public servant when suppressing riot, *etc*.

152. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, to any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses, or threatens or attempts to use, criminal force to such public servant, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Wantonly giving provocation, with intent to cause riot

153. Whoever malignantly or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting is committed in consequence of such provocation, be punished with imprisonment for a term which may extend to one year, or with fine, or with both; and if the offence of rioting is not committed, with imprisonment for a term which may extend to six months or with fine or with both.

153A. (*Deleted by F.M.S. En. 13 of 1939*).

Owner or occupier of land on which an unlawful assembly is held

154. Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding two thousand ringgit, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof, in his or their power to the principal officer at the nearest police station, and do not, in the case of his or their having reason to believe that it is about to be committed, use all lawful means in his or their power to prevent it, and in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot of unlawful assembly.

Liability of person for whose benefit a riot is committed

155. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to

be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

Liability of agent of owner or occupier for whose benefit a riot is committed

156. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place, and for suppressing and dispersing the same.

Harbouring persons hired for an unlawful assembly

157. Whoever harbours, receives, or assembles in any house or premises in his occupation or charge, or under his control, any persons, knowing that such persons have been hired, engaged, or employed, or are about to be hired, engaged, or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Being hired to take part in an unlawful assembly or riot, or to go armed

158. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 141, shall be punished with imprisonment for a term which may extend to six months or with fine or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon, or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

**ILLUSTRATION*

The last section is subject to the same illustration as section 144.

Affray

159. When two or more persons, by fighting, in a public place, disturb the public peace, they are said to "commit an affray".

Punishment for committing affray

160. Whoever commits an affray shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand ringgit or with both.

Chapter IX

OFFENCES BY, OR RELATING TO, PUBLIC SERVANTS

Public servant taking a gratification, other than legal remuneration, in respect of an official act

161. Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government, or with any member of the Cabinet or of Parliament or of a State Executive Council or Legislative Assembly, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

**NOTE*— Illustration to section 144 was deleted by *Act 39 of 1967*. It read as follows "A wooden pole sharpened at the end is a thing which, used as a weapon of offence, is likely to cause death".

Explanations—"Expecting to be a public servant". If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

"Gratification". The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration". The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by law to accept.

"A motive or reward for doing". A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

ILLUSTRATIONS

(a) *A*, a Judge, obtains from *Z*, a banker, a situation in *Z*'s bank for *A*'s brother, as a reward to *A* for deciding a cause in favour of *Z*. *A* has committed the offence defined in this section.

(b) *A*, a public servant, induces *Z* erroneously to believe that *A*'s influence with the Chairman of a Town Board has obtained for *Z* a contract to do work, and thus induces *Z* to give *A* money. *A* has committed the offence defined in this section.

(c) *A*, a public servant, induces *Z* erroneously to believe that *A*'s influence with the Government has obtained a grant of land for *Z*, and thus induces *Z* to give *A* money, as a reward for his service. *A* has committed the offence defined in this section.

Taking a gratification in order, by corrupt or illegal means, to influence a public servant

162. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any member of the Cabinet or of Parliament or of a State Executive Council or Legislative Assembly, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Taking a gratification, for the exercise of personal influence with a public servant

163. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any member of the Cabinet or of Parliament or of a State Executive Council or Legislative Assembly, or with any public servant, as such, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

ILLUSTRATION

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims for the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust—are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

Punishment for abetment by public servant of the offences above defined

164. Whoever, being a public servant, in respect of whom either of the offences defined in sections 162 and 163 is committed, abets the offence, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

ILLUSTRATION

A, is a public servant. *B*, *A*'s wife, receives a present as a motive for soliciting *A* to give an office to a particular person. *A* abets her doing so. *B* is punishable with imprisonment for a term not exceeding one year or with fine or with both. *A* is punishable with imprisonment for a term which may extend to three years or with fine or with both.

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant

165. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted, or about to be transacted, by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

ILLUSTRATIONS

(a) *A*, a Judge, hires a house of *Z*, who has a case pending before him. It is agreed that *A* shall pay fifty ringgit a month, the house being such that, if the bargain were made in good faith, *A* would be required to pay two hundred ringgit a month. *A* has obtained a valuable thing from *Z* without adequate consideration.

(b) *A*, a Judge, buys of *Z*, who has a cause pending in *A*'s Court, Government promissory notes at a discount, when they are selling in the market at a premium. *A* has obtained a valuable thing from *Z* without adequate consideration.

(c) *Z*'s brother is apprehended and taken before *A*, a Magistrate, on a charge of perjury. *A* sells to *Z* shares in a bank at a premium, when they are selling in the market at a discount. *Z* pays *A* for the shares accordingly. The money so obtained by *A* is a valuable thing obtained by him without adequate consideration.

Public servant disobeying a direction of the law, with intent to cause injury to any person

166. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

ILLUSTRATION

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in *Z*'s favour by a Court, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to *Z*. *A* has committed the offence defined in this section.

Public servant framing an incorrect document with intent to cause injury

167. Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury to any person, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Public servant unlawfully engaging in trade

168. Whoever, being a public servant, and being legally bound as such public servant not to engage in trade engages in trade, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Public servant unlawfully buying or bidding for property

169. Whoever, being a public servant, and being legally bound as such public servant not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be punished with imprisonment for a term which may extend to two years or with fine or with both; and the property, if purchased, shall be confiscated.

Personating a public servant

170. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Wearing garb or carrying token used by public servant with fraudulent intent

171. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to four hundred ringgit or with both.

CHAPTER X

CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

Absconding to avoid service of summons or other proceeding from a public servant

172. Whoever absconds in order to avoid being arrested on a warrant, or to avoid being served with a summons, notice or order proceeding from any public servant, legally competent, as such public servant, to issue such warrant, summons, notice or order, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both; or, if the summons, notice or order is to attend in person or by agent, or to produce a document before a Court, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Preventing service of summons or other proceeding, or preventing publication thereof

173. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, shall be punished, with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document before a Court, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Non-attendance in obedience to an order from a public servant

174. Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation, proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent before a Court, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

ILLUSTRATIONS

(a) *A*, being legally bound to appear before the High Court at Kuala Lumpur, in obedience to a subpoena issuing from that Court, intentionally omits to appear. *A* has committed the offence defined in this section.

(b) *A*, being legally bound to appear before a Magistrate, as a witness, in obedience to a summons issued by that Magistrate, intentionally omits to appear. *A* has committed the offence defined in this section.

Omission to produce a document to a public servant by a person legally bound to produce such document

175. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both; or, if the document is to be produced or delivered up to a Court, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

ILLUSTRATION

A, being legally bound to produce a document before a Court of a Magistrate, intentionally omits to produce the same. *A* has committed the offence defined in this section.

Omission to give notice or information to a public servant by a person legally bound to give notice or information

176. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence or in order to the apprehension of an offender, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both and in relation to offences under Chapter VIB, with imprisonment for a term which may extend to seven years or with fine or with both.

Furnishing false information

177. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both; or, if the information which he is legally bound to furnish respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment for a term which may extend to two years or with fine or with both.

ILLUSTRATIONS

(a) *A*, a landholder, knowing of the commission of a murder, within the limits of his estate, wilfully misinforms the police of the district that the death has occurred by accident in consequence of the bite of a snake. *A* is guilty of the offence defined in this section.

(b) *A*, a police officer, or *Penghulu*, knowing that a considerable body of strangers has passed through his village in order to commit a gang-robbery in the house of *Z*, a wealthy merchant residing in a neighbouring place, and being bound to give information of the above to his superior officer, wilfully misinforms the officer that a body of suspicious characters passed through the village with a view to commit a gang-robbery in a certain distant place in a different direction. Here *A* is guilty of the offence defined in this section.

Explanation—In section 176 and in this section the word "offence" includes any act committed at any place out of Malaysia, which if committed in Malaysia would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, and the word "offender" includes any person who is alleged to have been guilty of any such act.

Refusing oath when duly required to take oath by a public servant

178. Whoever refuses to bind himself by an oath to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Refusing to answer a public servant authorized to question

179. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Refusing to sign statement

180. Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand ringgit or with both.

False statement on oath to public servant or person authorized to administer an oath

181. Whoever, being legally bound by an oath to state the truth on any subject to any public servant or other person authorized by law to administer such oath, makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

False information, with intent to cause a public servant to use his lawful power to the injury of another person

182. Whoever gives to any public servant any information orally or in writing which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or

omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

ILLUSTRATIONS

(a) A informs the Inspector General of Police that *Z*, a police officer subordinate to the Inspector General, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Inspector General to commence disciplinary proceedings against *Z*. *A* has committed the offence defined in this section.

(b) A falsely informs a public servant that *Z* has contraband opium in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of *Z*'s premises, attended with annoyance to *Z*. *A* has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants but knows it to be likely that in consequence of this information the police will make inquiries and institute searches in the village to the annoyance of the villagers or some of them. *A* has committed an offence under this section.

Resistance to the taking of property by the lawful authority of a public servant

183. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Obstructing sale of property offered for sale by authority of a public servant

184. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both.

Illegal purchase or bid for property offered for sale by authority of a public servant

185. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to four hundred ringgit or with both.

Obstructing public servant in discharge of his public functions

186. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand ringgit or with both.

Omission to assist public servant when bound by law to give assistance

187. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to four hundred ringgit or with both; and if such assistance is demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court, or of preventing the commission of an offence, or of suppressing a riot or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand ringgit or with both.

Disobedience to an order duly promulgated by a public servant

188. Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with imprisonment for a term which may extend to one month or with fine which may extend to four hundred ringgit or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Explanation—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

ILLUSTRATION

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. *A* knowingly disobeys the order, and thereby causes danger of riot. *A* has committed the offence defined in this section.

Threat of injury to a public servant

189. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant

190. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER XI

FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Giving false evidence

191. Whoever, being legally bound by an oath, or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true, is said to give false evidence.

Explanation 1—A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

ILLUSTRATIONS

(a) *A*, in support of a just claim which *B* has against *Z* for one thousand ringgit, falsely swears on a trial that he heard *Z* admit the justice of *B*'s claim. *A* has given false evidence.

(b) *A*, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of *Z*, when he does not believe it to be the handwriting of *Z*. Here *A* states that which he knows to be false, and therefore gives false evidence.

(c) *A*, knowing the general character of *Z*'s handwriting states that he believes a certain signature to be the handwriting of *Z*; *A* in good faith believing it to be so. Here *A*'s statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of *Z*, *A* has not given false evidence.

(d) *A*, being bound by an oath to state the truth, states that he knows that *Z* was at a particular place on a particular day, not knowing anything upon the subject. *A* gives false evidence as to whether *Z* was at that place on the day named, or not.

(e) *A*, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. *A* has given false evidence.

Fabricating false evidence

192. Whoever causes any circumstances to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person, who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence".

ILLUSTRATIONS

(a) *A* puts jewels into a box belonging to *Z*, with the intention that they may be found in that box, and that this circumstance may cause *Z* to be convicted of theft. *A* has fabricated false evidence.

(b) *A* makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court. *A* has fabricated false evidence.

(c) *A*, with the intention of causing *Z* to be convicted of a criminal conspiracy, writes a letter in imitation of *Z*'s handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. *A* has fabricated false evidence.

Punishment for false evidence

193. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Explanation 1—A trial before a court martial is a judicial proceeding.

Explanation 2—An investigation directed by law preliminary to a proceeding before a Court, is a stage of a judicial proceeding, though that investigation may not take place before a Court.

ILLUSTRATION

A, in an enquiry before a Justice of the Peace for the purpose of ascertaining whether *Z* ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, *A* has given false evidence.

Giving or fabricating false evidence with intent to procure conviction of a capital offence

194. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in Malaysia, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine; and if an innocent person is convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment

195. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

ILLUSTRATION

A gives false evidence before a Court, intending thereby to cause *Z* to be convicted of a gang-robbery. The punishment of gang-robbery is imprisonment for life, or imprisonment for a term which may extend to ten years, with or without fine. *A*, therefore, is liable to such imprisonment, with or without fine.

Using evidence known to be false

196. Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Issuing or signing a false certificate

197. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point

198. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence

199. Whoever, in any declaration made or subscribed by him, which declaration any Court, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false

200. Whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 and 200.

Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender

201. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with the knowledge that he is likely thereby to screen the offender from legal punishment, or with that intention or knowledge gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence or with fine or with both.

ILLUSTRATION

A, knowing that *B* has murdered *Z*, assists *B* to hide the body with the intention of screening *B*, from punishment. *A* is liable to imprisonment for seven years, and also to fine.

Intentional omission, by a person bound to inform, to give information of an offence

202. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Giving false information respecting an offence committed

203. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Explanation—In sections 201 and 202 and in this section the word "offence" includes any act committed at any place out of Malaysia which if committed in Malaysia would be punishable under any of the following sections, namely, 302, 304, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

Disclosure of information

203A. (1) Whoever discloses any information or matter which has been obtained by him in the performance of his duties or the exercise of his functions under any written law shall be punished with fine of not more than one million ringgit, or with imprisonment for a term which may extend to one year, or with both.

(2) Whoever has any information or matter which to his knowledge has been disclosed in contravention of subsection (1) who discloses that information or matter to any other person shall be punished with fine of not more than one million ringgit, or with imprisonment for a term which may extend to one year, or with both.

Destruction of document to prevent its production as evidence

204. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence before a Court, or in any proceeding lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

False personation for the purpose of any act or proceeding in a suit

205. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree

206. Whoever fraudulently removes, conceals, transfers, or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court in a civil suit, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree

207. Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a Court in a civil suit, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Fraudulently suffering a decree for a sum not due

208. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

ILLUSTRATION

A institutes a suit against *Z*. *Z*, knowing that *A* is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of *B*, who has no just claim against him, in order that *B*, either on his own account or for the benefit of *Z*, may share in the proceeds of any sale of *Z*'s property which may be made under *A*'s decree. *Z* has committed an offence under this section.

Dishonestly making a false claim before a Court

209. Whoever fraudulently, or dishonestly, or with intent to injure or annoy any person, makes before a Court any claim which he knows to be false, shall be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Fraudulently obtaining a decree for a sum not due

210. Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

False charge of offence made with intent to injure

211. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment for a term which may extend to two years or with fine or with both; and if such criminal proceeding is instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Harbouring an offender

212. (1) Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, shall, if the offence is punishable with death, be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year but less than ten years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence or with fine or with both.

(2) In this section "offence" includes any act committed at any place out of Malaysia which if committed in Malaysia would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, and every such act shall for the purposes of this section be deemed to be punishable as if the accused person had been guilty of it in Malaysia.

Exception—This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

ILLUSTRATION

A, knowing that *B*, has committed gang-robbery, knowingly conceals *B* in order to screen him from legal punishment. Here, as *B* is liable to imprisonment for life, *A* is liable to imprisonment for a term not exceeding three years, and is also liable to fine.

Taking gifts, *etc*., to screen an offender from punishment

213. Whoever accepts, or agrees to accept, or attempts to obtain any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall, if the offence is punishable with death, be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence or with fine or with both.

Offering gift or restoration of property in consideration of screening offender

214. Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence or with fine or with both.

Exception—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.

Taking gift to help to recover stolen property, *etc*.

215. Whoever takes, or agrees or consents to take, any gratification for himself or any other person under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment for a term which may extend to two years or with fine or with both.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered

216. (1) Whenever any person convicted of, or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person

with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody, or is ordered to be apprehended, is punishable with death, he shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; if the offence is punishable with imprisonment for life, or imprisonment for ten years, he shall be punished with imprisonment for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment for not less than one year but less than ten years, he shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence or with fine or with both.

(2) In this section "offence" includes also any act or omission of which a person is alleged to have been guilty out of Malaysia which if he had been guilty of it in Malaysia would have been punishable as an offence and for which he is under any law relating to extradition or fugitive offences, or otherwise liable to be apprehended or detained in custody in Malaysia and every such act or omission shall for the purpose of this section be deemed to be punishable as if the accused person had been guilty of it in Malaysia.

Exception—This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Harbouring robbers or gang-robbers, *etc*.

216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or gang-robbery, harbours them or any of them with the intention of facilitating the commission of such robbery or gang-robbery or of screening them or any of them from punishment, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation—For the purpose of this section it is immaterial whether the robbery or gang-robbery is intended to be committed or has been committed within or without Malaysia.

Exception—This provision does not extend to the case in which the harbouring is by the husband or wife of the offender.

"Harbour"

216B. In sections 212, 216 and 216A the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension.

Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture

217. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture

218. Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Public servant in a judicial proceeding corruptly making an order, report, *etc*., which he knows to be contrary to law

219. Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict or decision which he knows to be contrary to law, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law

220. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Intentional omission to apprehend on the part of a public servant bound by law to apprehend

221. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows:

(a) with imprisonment for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death;

(b) with imprisonment for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for life, or imprisonment for a term which may extend to ten years; or

(c) with imprisonment for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than ten years.

Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court

222. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court for any offence, or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows:

(a) with imprisonment for a term which may extend to twenty years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death;

(b) with imprisonment for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court, or by virtue of a commutation of such sentence, to imprisonment for a term which may extend to twenty years; or

(c) with imprisonment for a term which may extend to three years or with fine or with both, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court, to imprisonment for a term not exceeding ten years, or if the person was lawfully committed to custody.

Escape from confinement negligently suffered by a public servant and facilitating or enabling any terrorist act, *etc*.

223. (1) Whoever, being a public servant, legally bound as such public servant to keep in confinement any person charged with or convicted of any offence, or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

(2) Whoever commits an offence under subsection (1) to facilitate or enable any terrorist act or organized criminal activity shall be punished with imprisonment for a term of twice as long as the maximum term for which he would have been liable on conviction for that offence, and shall also be liable to whipping.

Resistance or obstruction by a person to his lawful apprehension

224. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged, or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Explanation—The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

Resistance or obstruction to the lawful apprehension of another person

225. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence—

(a) shall be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if the person to be apprehended, or the person rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for a term which may extend to twenty years, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine;

(c) if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine;

(d) if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court, or by virtue of a commutation of such a sentence, to imprisonment for a term of ten years or upwards, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; or

(e) if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for

225A. (1) Whoever, being a public servant legally bound as such public servant to apprehend or to keep in confinement any person in any case not provided for in section 221, 222 or 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement shall be punished—

(a) if he does so intentionally, with imprisonment for a term which may extend to three years or with fine or with both; or

(b) if he does so negligently, with imprisonment for a term which may extend to two years or with fine or with both.

(2) Whoever, in any case not provided for in section 224 or 225, or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Offences against laws of Malaysia where no special punishment is provided

225B. Whoever does anything which by any law in force in Malaysia he is prohibited from doing, or omits to do anything which he is so enjoined to do, shall, when no special punishment is provided by the law for such commission or omission, be punished with imprisonment for a term which may extend to twelve months or with fine which may extend to two thousand ringgit or, with both.

226. (*Deleted by Ord. 11 of 1959*).

Violation of condition of remission of punishment

227. Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding

228. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Personation of a juror or assessor

229. Whoever, by personation or otherwise, intentionally cause or knowingly suffer himself to be returned, empanelled or sworn as juryman or an assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn,

or knowing himself to have been so returned, empanelled or sworn contrary to law, voluntarily serve on such jury or as such assessor, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

CHAPTER XII

OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

Interpretation

230. "Coin" is metal used as money stamped and issued by the authority of the Government or by the authority of any State or sovereign power in order to be so used.

"Counterfeit" includes the causing of a genuine coin to appear like a different coin if it is done with the intention of practising deception or with the knowledge that deception will thereby be caused.

ILLUSTRATIONS

(a) Cowries are not coin.

(b) Lumps of unstamped metal, though used as money, are not coin.

(c) Medals are not coin, inasmuch as they are not intended to be used as money.

231. (*Deleted by Act A538*).

Counterfeiting coin

232. Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

233. (*Deleted by Act A327*).

Making or selling instrument for counterfeiting coin

234. Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells, or disposes of any die or instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Possession of instrument or material for the purpose of using the same for counterfeiting coin

235. Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Abetting in Malaysia the counterfeiting out of Malaysia of coin

236. Whoever, being within Malaysia, abets the counterfeiting of coin out of Malaysia, shall be punished in the same manner as if he abetted the counterfeiting of such coin within Malaysia.

237. (*Deleted by Act A327*).

Import or export of counterfeit coin

238. Whoever imports or exports any counterfeit coin which he knows or has reason to believe to be counterfeit, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

239. (*Deleted by Act A327*).

Delivery of coin, possessed with the knowledge that it is counterfeit

240. Whoever, having any counterfeit coin which at the time when he became possessed of it he knew to be a counterfeit coin, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit

241. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

ILLUSTRATION

A, a coiner, delivers counterfeit coins to his accomplice *B*, for the purpose of uttering them. *B* sells the coins to *C*, another utterer, who buys them knowing them to be counterfeit. *C* pays away the coins for goods to *D*, who receives them, not knowing them to be counterfeit. *D*, after receiving the coins discovers that they are counterfeit, and pays them away as if they were good. Here *D* is punishable only under this section, but *B* and *C* are punishable under section 240.

242. (*Deleted by Act A327*).

Possession of coin by a person who knew it to be counterfeit when he became possessed thereof

243. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed of it that it was a counterfeit, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

244–245. (*There are no ss. 244–245*).

246. (*Deleted by Act A327*).

Fraudulently or dishonestly diminishing the weight or altering the composition of coin

247. Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

248. (*Deleted by Act A327*).

Altering appearance of coin with intent that it shall pass as a coin of a different description

249. Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

250. (*Deleted by Act A327*).

Delivery of coin, possessed with the knowledge that it is altered

251. Whoever, having coin in his possession with respect to which the offence defined in section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

252. (*Deleted by Act A327*).

Possession of coin by a person who knew it to be altered when he became possessed thereof

253. Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in section 247 or 249 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin as genuine, which when first possessed, the deliverer did not know to be altered

254. Whoever delivers to any other person as genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in section 247 or 249, has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Counterfeiting a Government stamp

255. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Explanation—A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

Having possession of an instrument or material for the purpose of counterfeiting a Government stamp

256. Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting

any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Making or selling an instrument for the purpose of counterfeiting a Government stamp

257. Whoever makes, or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp

258. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp

259. Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Using as genuine a Government stamp known to be counterfeit

260. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government

261. Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Using a Government stamp known to have been before used

262. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Erasure of mark denoting that stamp has been used

263. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

CHAPTER XIII

OFFENCES RELATING TO WEIGHTS AND MEASURES

Fraudulent use of false instrument for weighing

264. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Fraudulent use of false weight or measure

265. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Being in possession of false weights or measures

266. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Making or selling false weights or measures

267. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity, which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Chapter XIV

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

Public nuisance

268. (1) A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger, or annoyance to the public, or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.

(2) A common nuisance is not excused on the ground that it causes some convenience or advantage.

Negligent act likely to spread infection of any disease dangerous to life

269. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Malignant act likely to spread infection of any disease dangerous to life

270. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Disobedience to a quarantine rule

271. Whoever knowingly disobeys any rule lawfully made and promulgated for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Adulteration of food or drink which is intended for sale

272. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Sale of noxious food or drink

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Adulteration of drugs

274. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy, or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Sale of adulterated drugs

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit.

Sale of any drug as a different drug or preparation

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Fouling the water of a public spring or reservoir

277. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand ringgit or with both.

Making atmosphere noxious to health

278. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to one thousand ringgit.

Rash driving or riding on a public way

279. Whoever drives any vehicle, or rides on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Rash navigation of a vessel

280. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Exhibition of a false light, mark or buoy

281. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Conveying person by water for hire in a vessel overloaded or unsafe

282. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Danger or obstruction in a public way or navigation

283. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to four hundred ringgit.

Negligent conduct with respect to any poisonous substance

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Negligent conduct with respect to any fire or combustible matter

285. Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Negligent conduct with respect to any explosive substance

286. Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Negligent conduct with respect to any machinery in the possession or under the charge of the offender

287. Whoever does, with any machinery, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Negligence with respect to pulling down or repairing buildings

288. Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Negligence with respect to any animal

289. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand ringgit or with both.

Punishment for public nuisance

290. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to four hundred ringgit.

Continuance of nuisance after injunction to discontinue

291. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Sale, *etc*., of obscene books, *etc*.

292. Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object or document whatsoever;

(b) imports, exports or conveys any obscene object or document for any of the purposes aforesaid, or knowing or having reason to believe that such object or document will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation;

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects or documents are for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation;

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object or document can be procured from or through any person; or

(e) offers, or attempts to do any act which is an offence under this section,

shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Exception—This section does not extend to any book, pamphlet, writing, drawing, or painting kept or used *bona fide* for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Sale, *etc*., of obscene objects or documents to young person

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object or document as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Obscene songs

294. Whoever, to the annoyance of others—

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene song, ballad or words in or near any public place,

shall be punished with imprisonment for a term which may extend to three months or with fine or with both.

CHAPTER XV

OFFENCES RELATING TO RELIGION

Injuring or defiling a place of worship with intent to insult the religion of any class

295. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with

the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Disturbing a religious assembly

296. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Trespassing on burial places, *etc*.

297. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any person assembled for the performance of funeral ceremonies, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Uttering words, *etc*., with deliberate intent to wound the religious feelings of any person

298. Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Causing, *etc.,* disharmony, disunity, or feelings of enmity, hatred or ill will, or prejudicing, *etc*., the maintenance of harmony or unity, on grounds of religion

298A. (1) Whoever by words, either spoken or written, or by signs, or by visible representations, or by any act, activity or conduct, or by organizing, promoting or arranging, or assisting in organizing, promoting or arranging, any activity, or otherwise in any other manner—

(a) causes, or attempts to cause, or is likely to cause disharmony, disunity, or feelings of enmity, hatred or ill will; or

(b) prejudices, or attempts to prejudice, or is likely to prejudice, the maintenance of harmony or unity,

on grounds of religion, between persons or groups of persons professing the same or different religions, shall be punished with imprisonment for a term of not less than two years and not more than five years.

(2) Sections 173A and 294 of the Criminal Procedure Code shall not apply in respect of an offence under subsection (1).

(3) Where any person alleges or imputes in any manner specified in subsection (1)—

(a) that any other person, or any class, group or description of persons, professing any particular religion—

(i) has ceased to profess that religion;

(ii) should not be accepted, or cannot be accepted, as professing that religion; or

(iii) does not believe, follow, profess, or belong to, that religion; or

(b) that anything lawfully done by any religious official appointed, or by any religious authority established, constituted or appointed, by or under any written law, in the exercise of any power, or in the discharge of any duty, or in the performance of any function, of a religious

character, by virtue of being so appointed, established or constituted, is not acceptable to such person, or should not be accepted by any other person or persons, or does not accord with or fulfil the requirements of that religion, or is otherwise wrong or improper,

he shall be presumed to have contravened the provisions of subsection (1) by having acted in a manner likely to cause disharmony, disunity or feelings of enmity, hatred or ill will, or likely to prejudice the maintenance of harmony or unity, between persons or groups of persons professing the religion referred to in the allegation or imputation.

(4) *(a)* Where, on any ground of a religious character, any person professing any particular religion uses for burial or cremation of any human corpse a place other than one which is lawfully used for such purpose by persons professing that religion, he shall be presumed to have contravened the provisions of subsection (1) by having acted in a manner likely to cause disharmony, disunity or feelings of enmity, hatred or ill will, or likely to prejudice the maintenance of harmony or unity, between persons or groups of persons professing that religion.

(b) Where any person, on any ground of a religious character, counsels, advises, instigates, urges, pleads with, or appeals or propagates to, or in any manner or by any means call upon, whether directly or indirectly, any other person or persons professing any particular religion—

(i) to use for burial or cremation of any human corpse a place other than one which is lawfully used for such purpose by persons professing that religion;

(ii) not to use for burial or cremation of any human corpse any place which is lawfully used for such purpose by persons professing that religion; or

(iii) not to use for worship any place which is lawfully used for such purpose by persons professing that religion,

he shall be presumed to have contravened the provisions of subsection (1) by having acted in a manner likely to cause disharmony, disunity or feelings of enmity, hatred or ill will, or

likely to prejudice the maintenance of harmony or unity, between persons or groups of persons professing that religion or different religions.

(5) Where any person who is not a religious official appointed, or a religious authority established, constituted or appointed, by or under any written law purports to exercise any power, or to discharge any duty, or to perform any function, of a religious character, being a power, duty or function which can be lawfully exercised, discharged or performed only by a religious official appointed, or a religious authority established, constituted or appointed, by or under any written law, he shall be presumed to have contravened the provisions of subsection (1) by having acted in a manner likely to cause disharmony, disunity or feelings of enmity, hatred or ill will, or likely to prejudice the maintenance of harmony or unity, between persons or groups of persons professing the same or different religions.

(6) The foregoing provisions of this section shall not apply to—

(a) anything done by any religious authority established, constituted or appointed by or under any written law and conferred by written law with power to give or issue any ruling or decision on any matter pertaining to the religion in respect of which the authority is established, constituted or appointed; or

(b) anything done by any person which is in pursuance of, or which accords with, any ruling or decision given or issued by such religious authority, whether or not such ruling or decision is in writing, and if in writing, whether or not it is published in the *Gazette*.

(7) It shall not be a defence to any charge under this section to assert that what the offender is charged with doing was done in any honest belief in, or in any honest interpretation of, any precept, tenet or teaching of any religion.

(8) If in any proceedings under this section any question arises with regard to the interpretation of any aspect of, or any matter in relation to, any religion, the Court shall accept the interpretation given by any religious authority referred to in subsection (6), being a religious authority in respect of that religion.

Chapter XVI

OFFENCES AFFECTING THE HUMAN BODY

Offences Affecting Life

Culpable homicide

299. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

ILLUSTRATIONS

(a) *A* lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. *Z*, believing the ground to be firm, treads on it, falls in and is killed. *A* has committed the offence of culpable homicide.

(b) *A* knows *Z* to be behind a bush. *B* does not know it. *A*, intending to cause, or knowing it to be likely to cause *Z*'s death, induces *B* to fire at the bush. *B* fires and kills *Z*. Here *B* may be guilty of no offence, but *A* has committed the offence of culpable homicide.

(c) *A*, by shooting at a fowl with intent to kill and steal it, kills *B*, who is behind a bush; *A* not knowing that he was there. Here, although *A* was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill *B*, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1—A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

Murder

300. Except in the cases hereinafter excepted, culpable homicide is murder—

(a) if the act by which the death is caused is done with the intention of causing death;

(b) if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused;

(c) if it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death, or such injury as aforesaid.

ILLUSTRATIONS

(a) *A* shoots *Z* with the intention of killing him. *Z* dies in consequence. *A* commits murder.

(b) *A*, knowing that *Z* is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. *Z* dies in consequence of the blow. *A* is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if *A*, not knowing that *Z* is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here *A*, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) *A* intentionally gives *Z* a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. *Z* dies in consequence. Here *A* is guilty of murder, although he may not have intended to cause *Z*'s death.

(d) *A*, without any excuse, fires a loaded cannon into a crowd of persons and kills one of them. *A* is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1—Culpable homicide is not murder if the offender, whilst deprived of the power of self control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:

(a) that the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;

(b) that the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant;

(c) that the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder, is a question of fact.

ILLUSTRATIONS

(a) A, under the influence of passion excited by a provocation given by *Z*, intentionally kills *Y*, *Z*'s child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to *A*. *A*, on this provocation, fires a pistol at *Y*, neither intending nor knowing himself to be likely to kill *Z*, who is near him, but out of sight. *A* kills *Z*. Here *A* has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by *Z*, a bailiff. *A* is excited to sudden and violent passion by the arrest, and kills *Z*. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before *Z*, a Magistrate. *Z* says that he does not believe a word of *A*'s deposition, and that *A* has perjured himself. *A* is moved to sudden passion by these words, and kills *Z*. This is murder.

(e) A attempts to pull *Z*'s nose. *Z*, in the exercise of the right of private defence, lays hold of *A* to prevent him from doing so. *A* is moved to sudden and violent passion in consequence, and kills *Z*. This is murder, in as much as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes *B*. *B* is by this provocation excited to violent rage. *A*, a bystander, intending to take advantage of B's rage, and to cause him to kill *Z*, puts a knife into *B*'s hand for that purpose. *B* kills *Z* with the knife. Here *B* may have committed only culpable homicide, but *A* is guilty of murder.

Exception 2—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

ILLUSTRATION

Z attempts to horsewhip *A*, not in such a manner as to cause grievous hurt to *A*. *A* draws out a pistol. *Z* persists in the assault. *A*, believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots *Z* dead. *A* has not committed murder, but only culpable homicide.

Exception 3—Culpable homicide is not murder if the offender, being a public servant, or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant, and without ill will towards the person whose death is caused.

Exception 4—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

Explanation—It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death, or takes the risk of death with his own consent.

ILLUSTRATION

A, by instigation, voluntarily causes *Z*, a person under eighteen years of age, to commit suicide. Here, on account of *Z*'s youth, he was incapable of giving consent to his own death. *A* has therefore abetted murder.

Culpable homicide by causing the death of a person other than the person whose death was intended

301. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows

himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Punishment for murder

302. Whoever commits murder shall be punished with death.

303. (*There is no s. 303*).

Punishment for culpable homicide not amounting to murder

304. Whoever commits culpable homicide not amounting to murder shall be punished—

(a) with imprisonment for a term which may extend to thirty years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or

(b) with imprisonment for a term which may extend to ten years or with fine or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Causing death by negligence

304A. Whoever causes the death of any person, by doing any rash or negligence act not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Abetment of suicide of child or insane person

305. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Abetment of suicide

306. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Attempt to murder

307. (1) Whoever does any act with such intention or knowledge and under such circumstances, that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable to imprisonment for a term which may extend to twenty years.

(2) When any person offending under this section is under sentence of imprisonment for life or for a term of twenty years, he may, if hurt is caused, be punished with death.

ILLUSTRATIONS

(a) *A* shoots at *Z* with intention to kill him, under such circumstances that, if death ensued, *A* would be guilty of murder. *A* is liable to punishment under this section.

(b) *A*, with the intention of causing the death of a child of tender years, exposes it in a desert place. *A* has committed the offence defined by this section, though the death of the child does not ensue.

(c) *A*, intending to murder *Z*, buys a gun and loads it. *A* has not yet committed the offence. *A* fires the gun at *Z*. He has committed the offence defined in this section; and if by such firing he wounds *Z*, he is liable to the punishment by the latter part of this section.

(d) *A*, intending to murder *Z* by poison, purchases poison and mixes the same with food which remains in *A*'s keeping; *A* has not yet committed the offence defined in this section. *A* places the food on *Z*'s table or delivers it to *Z*'s servants to place it on *Z*'s table. *A* has committed the offence defined in this section.

Attempt to commit culpable homicide

308. Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment for a term which may extend to three years or with fine or with both; and if hurt is caused to any person by such act, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

ILLUSTRATION

A, on grave and sudden provocation, fires a pistol at *Z*, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. *A* has committed the offence defined in this section.

Attempt to commit suicide

309. Whoever attempts to commit suicide, and does any act towards the commission of such offence, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Infanticide

309A. When any woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of the offence of infanticide.

Punishment for infanticide

309B. Whoever commits the offence of infanticide shall be punished at the discretion of the Court, with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

310–311. (*There are no ss. 310–311*).

Causing Miscarriage; Injuries to Unborn Children; Exposure of Infants; and Concealment of Births

Causing miscarriage

312. Whoever voluntarily causes a woman with child to miscarry shall be punished with imprisonment for a term which may extend to three years or with fine or with both; and if the woman is quick with child, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation—A woman who causes herself to miscarry is within the meaning of this section.

Exception—This section does not extend to a medical practitioner registered under the Medical Act 1971 [*Act 50*] who terminates the pregnancy of a woman if such medical practitioner is of the opinion, formed in good faith, that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or injury to the mental or physical health of the pregnant woman, greater than if the pregnancy were terminated.

Causing miscarriage without woman's consent

313. Whoever commits the offence defined in section 312, without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Death caused by act done with intent to cause miscarriage. If act done without woman's consent

314. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished with imprisonment for a term which may extend to twenty years.

Explanation—It is not essential to this offence that the offender should know that the act is likely to cause death.

Act done with intent to prevent a child being born alive or to cause it to die after birth

315. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act is not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment for a term which may extend to ten years or with fine or with both.

Causing death of a quick unborn child by an act amounting to culpable homicide

316. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

ILLUSTRATION

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. *A* is guilty of the offence defined in this section.

Exposure and abandonment of a child under twelve years by parent or person having care of it

317. Whoever, being the father or mother of a child under the age of twelve years, or having the care of such child, exposes or leaves such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Explanation—This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child dies in consequence of the exposure.

Concealment of birth by secret disposal of dead body

318. Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Hurt

Hurt

319. Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

Grievous hurt

320. The following kinds of hurt only are designated as "grievous":

(a) emasculation;

(b) permanent privation of the sight of either eye;

(c) permanent privation of the hearing of either ear;

(d) privation of any member or joint;

(e) destruction or permanent impairing of the powers of any member or joint;

(f) permanent disfiguration of the head or face;

(g) fracture or dislocation of a bone;

(h) any hurt which endangers life, or which causes the sufferer to be, during the space of ten days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

Voluntarily causing grievous hurt

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".

Explanation—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

ILLUSTRATION

A, intending or knowing himself to be likely permanently to disfigure *Z*'s face, gives *Z* a blow which does not permanently disfigure *Z*'s face, but which causes *Z* to suffer severe bodily pain for the space of ten days. *A* has voluntarily caused grievous hurt.

Punishment for voluntarily causing hurt

323. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand ringgit or with both.

Voluntarily causing hurt by dangerous weapons or means

324. Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or any scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for a term which may extend to ten years or with fine or with whipping or with any two of such punishments.

Punishment for voluntarily causing grievous hurt

325. Whoever, except in the case provided by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means

326. Whoever, except in the case provided by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or any scheduled weapon as specified under the Corrosive and Explosive Substances and Offensive Weapons Act 1958, or by means of fire or any

heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Punishment for causing hurt to spouse, former spouse, *etc*.

326A. (1) Whoever causes hurt to his spouse or former spouse, a child, an incapacitated adult or other member of the family and commits an offence under section 323, 324, 325, 326, 334 or 335 shall be punished with imprisonment for a term which may extend to twice of the maximum term for which he would have been liable on conviction for that offence under the relevant section notwithstanding any other punishment provided for that offence.

(2) For the purpose of this section. "spouse", "child", "incapacitated adult" and "other member of the family" have the meanings assigned to them in section 2 of the Domestic Violence Act 1994 [*Act 521*].

Voluntarily causing hurt to extort property or to constrain to an illegal act

327. Whoever, voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything which is illegal, or which may facilitate the commission of an offence, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine or to whipping.

Causing hurt by means of poison, *etc*., with intent to commit an offence

328. Whoever administers to, or causes to be taken by any person, any poison or any stupefying, intoxicating, or unwholesome drug or other thing, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence,

or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act

329. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Voluntarily causing hurt to extort confession or to compel restoration of property

330. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

ILLUSTRATIONS

(a) *A*, a police officer, tortures *Z* in order to induce *Z* to confess that he committed a crime. *A* is guilty of an offence under this section.

(b) *A*, a police officer, tortures *B* to induce him to point out where certain stolen property is deposited. *A* is guilty of an offence under this section.

(c) *A*, a revenue officer, tortures *Z* in order to compel him to confess to a pretended offence against the excise laws. *A* is guilty of an offence under this section.

Voluntarily causing grievous hurt to extort confession or to compel restoration of property

331. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty

332. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

Voluntarily causing grievous hurt to deter public servant from his duty

333. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt on provocation

334. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both.

Causing grievous hurt on provocation

335. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment for a term which may extend to four years or with fine which may extend to four thousand ringgit or with both.

Explanation—The last two sections are subject to the same provisos as Exception 1 of section 300.

Punishment for act which endangers life or the personal safety of others

336. Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred ringgit or with both.

Causing hurt by an act which endangers life or the personal safety of others

337. Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand ringgit or with both.

Causing grievous hurt by an act which endangers life or the personal safety of others

338. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand ringgit or with both.

Wrongful Restraint and Wrongful Confinement

Wrongful restraint

339. Whoever voluntarily obstructs any person, so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

ILLUSTRATION

A obstructs a path along which *Z* has a right to pass, *A* not believing in good faith that he has a right to stop the path. *Z* is thereby prevented from passing. *A* wrongfully restrains *Z*.

Wrongful confinement

340. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

ILLUSTRATIONS

(a) A causes *Z* to go within a walled space, and locks *Z* in. *Z* is thus prevented from proceeding in any direction beyond the circumscribing line of wall. *A* wrongfully confines *Z*.

(b) A places men with firearms at the outlets of a building and tells *Z* that they will fire at *Z* if *Z* attempts to leave the building. *A* wrongfully confines *Z*.

Punishment for wrongful restraint

341. Whoever wrongfully restrains any person shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand ringgit or with both.

Punishment for wrongful confinement

342. Whoever wrongfully confines any person shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand ringgit or with both.

Wrongful confinement for three or more days

343. Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Wrongful confinement for ten or more days

344. Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement of person for whose liberation a writ has been issued

345. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment for a term which may extend to two years, in addition to any term of imprisonment to which he may be liable under any other section of this Code.

Wrongful confinement in secret

346. Whoever wrongfully confines any person in such a manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so

confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement.

Wrongful confinement for the purpose of extorting property or constraining to an illegal act

347. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession or of compelling restoration of property

348. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct; or for the purpose of constraining the person confined, or any person interested in the person confined, to restore, or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Criminal Force and Assault

Force

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with

any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described—

(a) by his own bodily power;

(b) by disposing any substance in such a manner that the motion, or change or cessation of motion, takes place without any further act on his part, or on the part of any other person;

(c) by inducing any animal to move, to change its motion, or to cease to move.

Criminal force

350. Whoever intentionally uses force to any person, without that person's consent, in order to cause the committing of any offence, or intending by the use of such force illegally to cause, or knowing it to be likely that by the use of such force he will illegally cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

ILLUSTRATIONS

(a) *Z* is sitting in a moored boat on a river. *A* unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here *A* intentionally causes motion to *Z*, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. *A* has therefore intentionally used force to *Z*; and if he has done so without *Z*'s consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to *Z*. *A* has used criminal force to *Z*.

(b) *Z* is riding in a chariot. *A* lashes *Z*'s horses, and thereby causes them to quicken their pace. Here *A* has caused change of motion to *Z* by inducing the animals to change their motion. *A* has therefore used force to *Z*; and if *A* has done this without *Z*'s consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy *Z*, *A* has committed criminal force to *Z*.

(c) *Z* is riding in a carriage. *A*, intending to rob *Z*, seizes the horse and stops the carriage. Here *A* has caused cessation of motion to *Z*, and he has done this by his own bodily power. *A* has therefore used force to *Z*; and as *A* has acted thus intentionally without *Z*'s consent, in order to the commission of an offence, *A* has used criminal force to *Z*.

(d) *A* intentionally pushes against *Z* in the street. Here *A* has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to *Z*, and if he has done so without *Z*'s consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy *Z*, he has used criminal force to *Z*.

(e) *A* throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with *Z*, or with *Z*'s clothes, or with something carried by *Z*, or that it will strike water and dash up the water against *Z*'s clothes, or something carried by *Z*. Here if the throwing of the stone produces the effect of causing any substance to come into contact with *Z*, or *Z*'s clothes, *A* has used force to *Z*; and if he did so without *Z*'s consent, intending thereby to injure, frighten or annoy *Z*, he has used criminal force to *Z*.

(f) *A* intentionally pulls up a woman's veil. Here *A* intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) *Z* is bathing. *A* pours into the bath water which he knows to be boiling. Here *A* intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with *Z*, or with other water so situated that such contact must affect *Z*'s sense of feeling; *A* has therefore intentionally used force to *Z*; and if he has done this without *Z*'s consent, intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to *Z*, *A* has used criminal force.

(h) *A* incites a dog to spring upon *Z*, without *Z*'s consent. Here, if *A* intends to cause injury, fear or annoyance to *Z*, he uses criminal force to *Z*.

(i) *A*, a head teacher, in the reasonable exercise of his discretion as head teacher, canes *B*, one of his scholars. *A* does not use criminal force to *B* because, although *A* intends to cause fear and annoyance, he does not use force illegally.

Assault

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

ILLUSTRATIONS

(a) *A* shakes his fist at *Z*, intending or knowing it to be likely that he may thereby cause *Z* to believe that *A* is about to strike *Z*. *A* has committed an assault.

(b) *A* begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause *Z* to believe that he is about to cause the dog to attack *Z*. *A* has committed an assault upon *Z*.

(c) *A* takes up a stick, saying to *Z*, "I will give you a beating". Here, though the words used by *A* could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

Punishment for using criminal force otherwise than on grave provocation

352. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand ringgit or with both.

Explanation—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence;

if the provocation is given by anything done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant; or

if the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Punishment for using criminal force by spouse

352A. Whoever, during the subsistence of a valid marriage, assaults or uses criminal force on his spouse shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand ringgit, or with both.

Using criminal force to deter a public servant from discharge of his duty

353. Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Assault or use of criminal force to a person with intent to outrage modesty

354. Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to ten years or with fine or with whipping or with any two of such punishments.

Assault or criminal force with intent to dishonour a person, otherwise than on grave provocation

355. Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Assault or criminal force in attempt to commit theft of property carried by a person

356. Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment for a term which may extend to two years or with fine or with whipping or any two of such punishments.

Assault or criminal force in attempt wrongfully to confine a person

357. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand ringgit or with both.

Assaulting or using criminal force on grave provocation

358. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to four hundred ringgit or with both.

Explanation—The last section is subject to the same explanation as section 352.

Kidnapping, Abduction, Slavery and Forced Labour

Kidnapping

359. Kidnapping is of two kinds: kidnapping from Malaysia and kidnapping from lawful guardianship.

Kidnapping from Malaysia

360. Whoever conveys any person beyond the limits of Malaysia without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Malaysia.

Kidnapping from lawful guardianship

361. Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation—The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

Abduction

362. Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct that person.

Punishment for kidnapping

363. Whoever kidnaps any person from Malaysia or from lawful guardianship, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting in order to murder

364. Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with death or imprisonment for a term which may extend to thirty years and shall, if he is not sentenced to death, also be liable to whipping.

ILLUSTRATIONS

(a) *A* kidnaps *Z* from Malaysia intending or knowing it to be likely that *Z* may be sacrificed to an idol. *A* has committed the offence defined in this section.

(b) *A* forcibly carries or entices *B* away from his home in order that *B* may be murdered. *A* has committed the offence defined in this section.

Kidnapping or abducting with intent secretly and wrongfully to confine a person

365. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting a woman to compel her marriage, *etc*.

366. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or to a life of prostitution, or knowing it to be likely that she will be forced or seduced to illicit intercourse, or to a life of prostitution, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or abducting in order to subject a person to grievous hurt, slavery, *etc*.

367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Wrongfully concealing or keeping in confinement a kidnapped person

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

Kidnapping or abducting child under ten years with intent to steal movable property from the person of such child

369. Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave

370. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Habitual dealing in slaves

371. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Exploiting any person for purposes of prostitution

372. (1) Whoever—

(a) sells, lets for hire or otherwise disposes of, or procures, buys or hires or otherwise obtains possession of, any person with such intention that the person is to be

employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, or knowing or having reason to believe that the person will be so employed or used;

(b) by or under any false pretence, false representation, or fraudulent or deceitful means made or used, either within or outside Malaysia, brings or assists in bringing into, or takes out or assists in taking out of, Malaysia, any person with such intention that the person is to be employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, or knowing or having reason to believe that the person will be so employed or used;

(c) receives or harbours any person—

(i) who has been sold, let for hire or otherwise disposed of, or who has been procured, purchased, hired or otherwise obtained possession of in the circumstances as set out in paragraph *(a)*; or

(ii) who has been brought into or taken out of Malaysia in the circumstances as set out in paragraph *(b)*,

knowing or having reason to believe that the person is to be employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, and with intent to aid such purpose;

(d) wrongfully restrains any person in any place with such intention that the person will be used or employed for the purpose of prostitution or of having sexual intercourse with any other person;

(e) by means of any advertisement or other notice published in any manner or displayed in any place for prostitution service or a service which a reasonable person would understand it to be a prostitution service, offers any person for the purpose of prostitution or seeks information for that purpose or accepts such advertisement or notice for publication or display;

(f) acts as an intermediary on behalf of another or exercises control or influence over the movements of another in such a manner as to show that the person is aiding or abetting or controlling the prostitution of that other,

shall be punished with imprisonment for a term which may extend to fifteen years and with whipping, and shall also be liable to fine.

(2) For the purpose of paragraph (1)*(d)*, it shall be presumed until the contrary is proved that a person wrongfully restrains a person if he—

(a) withholds from that person wearing apparel or any other property belonging to that person or wearing apparel commonly or last used by that person;

(b) threatens that person to whom wearing apparel or any other property has been let or hired out or supplied to with legal proceedings if he takes away such wearing apparel or property;

(c) threatens that person with legal proceedings for the recovery of any debt or alleged debt or uses any other threat whatsoever; or

(d) without any lawful authority, detains that person's identity card issued under the law relating to national registration or that person's passport.

(3) In this section and in sections 372A and 372B, "prostitution" means the act of a person offering that person's body for sexual gratification for hire whether in money or in kind; and "prostitute" shall be construed accordingly.

Persons living on or trading in prostitution

372A. (1) Whoever knowingly lives wholly or in part on the earnings of the prostitution of another person shall be punished with imprisonment for a term which may extend to fifteen years and with whipping, and shall also be liable to fine.

(2) Where any person is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that that person is aiding, abetting or compelling the prostitution of the prostitute with any other person or generally that person shall, in the absence of any proof to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Soliciting for purpose of prostitution

372B. Whoever solicits or importunes for the purpose of prostitution or any immoral purpose in any place shall be punished with imprisonment for a term not exceeding one year or with fine or with both.

Suppression of brothels

373. (1) Whoever—

(a) keeps, manages or assists in the management of a brothel;

(b) being the owner of any place or the agent of such owner, or being the occupier of any place, lets the place or any part thereof with the knowledge that such place or part is to be used as a brothel or permits such place or part to be used as a brothel or is wilfully a party to the continued use of such place or part as a brothel,

shall be punished with imprisonment which may extend to fifteen years, and shall also be liable to fine.

(2) In this section, "brothel" means any place occupied or used by any two or more persons whether at the same time or at different times for purposes of prostitution.

373A. (*Deleted by Act A1131*).

Unlawful compulsory labour

374. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Hostage-taking

374A. Whoever seizes or detains and threatens to kill, to injure or to continue to detain another person ("the hostage") to compel the Government of Malaysia or the Government of any State in Malaysia, any other government, or any international organization or any other person or group of persons to do or refrain from doing any act as an explicit or implicit condition for the release of the hostage shall be punished—

(a) if the act results in death, with death; and

(b) in any other case, with imprisonment for a term of not less than seven years but not exceeding thirty years, and shall also be liable to fine.

Rape

Rape

375. A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the following descriptions:

(a) against her will;

(b) without her consent;

(c) with her consent, when her consent has been obtained by putting her in fear of death or hurt to herself or any other person, or obtained under a misconception of fact and the man knows or has reason to believe that the consent was given in consequence of such misconception;

(d) with her consent, when the man knows that he is not her husband, and her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married or to whom she would consent;

(e) with her consent, when, at the time of giving such consent, she is unable to understand the nature and consequences of that to which she gives consent;

(f) with her consent, when the consent is obtained by using his position of authority over her or because of professional relationship or other relationship of trust in relation to her;

(g) with or without her consent, when she is under sixteen years of age.

Explanation—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception—Sexual intercourse by a man with his own wife by a marriage which is valid under any written law for the time being in force, or is recognized in Malaysia as valid, is not rape.

Explanation 1—A woman—

(a) living separately from her husband under a decree of judicial separation or a decree *nisi* not made absolute; or

(b) who has obtained an injunction restraining her husband from having sexual intercourse with her,

shall be deemed not to be his wife for the purposes of this section.

Explanation 2—A Muslim woman living separately from her husband during the period of *'iddah*, which shall be calculated in accordance with *Hukum Syara'*, shall be deemed not to be his wife for the purposes of this section.

Husband causing hurt in order to have sexual intercourse

375A. Any man who during the subsistence of a valid marriage causes hurt or fear of death or hurt to his wife or any other person in order to have sexual intercourse with his wife shall be punished with imprisonment for a term which may extend to five years.

Gang rape

375B. Whoever commits gang rape shall be punished with imprisonment for a term of not less than ten years and not more than thirty years.

Explanation—Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this section.

Punishment for rape

376. (1) Subject to subsections (2), (3) and (4), whoever commits rape shall be punished with imprisonment for a term which may extend to twenty years, and shall also be punished with whipping.

(2) Whoever commits rape on a woman under any of the following circumstances:

(a) at the time of, or immediately before or after the commission of the offence, causes hurt to her or to any other person;

(b) at the time of, or immediately before or after the commission of the offence, puts her in fear of death or hurt to herself or any other person;

(c) the offence was committed in the company of or in the presence of any other person;

(d) without her consent, when she is under sixteen years of age;

(e) with or without her consent, when she is under twelve years of age;

(f) with her consent, when the consent is obtained by using his position of authority over her or because of professional relationship or other relationship of trust in relation to her;

(g) at the time of the offence the woman was pregnant;

(h) when by reason or on occasion of the rape, the woman becomes insane;

(i) when he knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is or may be transmitted to the woman;

(j) when by reason or on occasion of the rape, the woman commits suicide; or

(k) when he knew of the mental disability, emotional disorder or physical handicap of the woman at the time of the commission of the crime,

shall be punished with imprisonment for a term of not less than ten years and not more than thirty years and shall also be punished with whipping.

(3) Whoever commits rape on a woman whose relationship to him is such that he is not permitted under the law, religion, custom or usage, to marry her, shall be punished with imprisonment for a term of not less than eight years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes.

(4) Whoever whilst committing or attempting to commit rape causes the death of the woman on whom the rape is committed or attempted shall be punished with death or imprisonment for a term of not less than fifteen years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes.

Incest

Incest

376A. A person is said to commit incest if he or she has sexual intercourse with another person whose relationship to him or her is such that he or she is not permitted, under the law, religion, custom or usage applicable to him or her, to marry that other person.

Punishment for incest

376B. (1) Whoever commits incest shall be punished with imprisonment for a term of not less than ten years and not more than thirty years, and shall also be punished with whipping.

(2) It shall be a defence to a charge against a person under this section if it is proved—

(a) that he or she did not know that the person with whom he or she had sexual intercourse was a person whose relationship to him or her was such that he or she was not permitted under the law, religion, custom or usage applicable to him or her to marry that person; or

(b) that the act of sexual intercourse was done without his or her consent.

Explanation—A person who is under sixteen years of age, if female, or under thirteen years of age, if male, shall be deemed to be incapable of giving consent.

Unnatural Offences

Buggery with an animal

377. Whoever voluntarily has carnal intercourse with an animal shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Explanation—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Carnal intercourse against the order of nature

377A. Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature.

Explanation—Penetration is sufficient to constitute the sexual connection necessary to the offence described in this section.

Punishment for committing carnal intercourse against the order of nature

377B. Whoever voluntarily commits carnal intercourse against the order of nature shall be punished with imprisonment for a term which may extend to twenty years, and shall also be punished with whipping.

Committing carnal intercourse against the order of nature without consent, *etc.*

377C. Whoever voluntarily commits carnal intercourse against the order of nature on another person without the consent, or against the will, of the other person, or by putting the other person in fear of death or hurt to the person or any other person, shall be punished with imprisonment for a term of not less than five years and not more than twenty years, and shall also be punished with whipping.

Sexual connection by object, *etc*.

377CA. Any person who has sexual connection with another person by the introduction of any object or any part of the body, except the penis into the vagina or anus of the other person without the other person's consent shall be punished with imprisonment for a term of not less than five years and not more than thirty years, and shall also be liable to whipping.

Exception—This section does not extend to where the introduction of any object into the vagina or anus of any person is carried out for medical or law enforcement purposes.

Outrages on decency

377D. Any person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, shall be punished with imprisonment for a term which may extend to two years.

Inciting a child to an act of gross indecency

377E. Any person who incites a child under the age of fourteen years to any act of gross indecency with him or another person shall be punished with imprisonment for a term of not less than three years and not more than fifteen years, and shall also be punished with whipping.

Chapter XVII

OFFENCES AGAINST PROPERTY

Theft

Theft

378. Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2—A moving, effected by the same act which effects the severance, may be a theft.

Explanation 3—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which in consequence of the motion so caused is moved by that animal.

Explanation 5—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

ILLUSTRATIONS

(a) A cuts down a tree on *Z*'s ground, with the intention of dishonestly taking the tree out of *Z*'s possession without *Z*'s consent. Here, as soon as *A* has severed the tree in order to such taking, he has committed theft.

(b) *A* puts a bait for dogs in his pocket, and thus induces *Z*'s dog to follow it. Here, if *A*'s intention be dishonestly to take the dog out of *Z*'s possession without *Z*'s consent, *A* has committed theft as soon as *Z*'s dog has begun to follow *A*.

(c) *A* meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, *A* has committed theft of the treasure.

(d) *A*, being *Z*'s servant and entrusted by *Z* with the care of *Z*'s plate, dishonestly runs away with the plate without *Z*'s consent. *A* has committed theft.

(e) *Z*, going on a journey, entrusts his plate to *A*, the keeper of a warehouse, till *Z* shall return. *A* carries the plate to a goldsmith and sells it. Here the plate was not in *Z*'s possession. It could not, therefore, be taken out of *Z*'s possession, and *A* has not committed theft, though he may have committed criminal breach of trust.

(f) *A* finds a ring belonging to *Z* on a table in the house which he occupies. Here the ring is in *Z*'s possession, and if *A* dishonestly removes it, *A* commits theft.

(g) *A* finds a ring lying on the high road, not in the possession of any person. *A* by taking it commits no theft, though he may commit crimina l misappropriation of property.

(h) *A* sees a ring belonging to *Z* lying on a table in *Z*'s house. Not venturing to misappropriate the ring immediately for fear of search and detection, *A* hides the ring in a place where it is highly improbable that it will ever be found by *Z*, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here *A*, at the time of first moving the ring, commits theft.

(i) *A* delivers his watch to *Z*, a jeweller, to be regulated. *Z* carries it to his shop. *A*, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, take his watch by force out of *Z*'s hand, and carries it away. Here *A*, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If *A* owes money to *Z* for repairing the watch, and if *Z* retains the watch lawfully as a security for the debt, and *A* takes the watch out of *Z*'s possession, with the intention of depriving *Z* of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if *A* having pawned his watch to *Z*, takes it out of *Z*'s possession without *Z*'s consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(l) *A* takes an article belonging to *Z* out of *Z*'s possession, without *Z*'s consent, with the intention of keeping it until he obtains money from *Z* as a reward for its restoration. Here *A* takes dishonestly; *A* has therefore committed theft.

(m) *A*, being on friendly terms with *Z*, goes into *Z*'s library in *Z*'s absence and takes away a book, without *Z*'s express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that *A* may have conceived that he had *Z*'s implied consent to use *Z*'s book. If this was *A*'s impression, *A* has not committed theft.

(n) *A* asks charity from *Z*'s wife. She gives *A* money, food and clothes, which *A*, knows to belong to *Z*, her husband. Here it is probable that *A* may conceive that *Z*'s wife is authorized to give away alms. If this was *A*'s impression, *A* has not committed theft.

(o) *A* is the paramour of *Z*'s wife. She gives *A* valuable property, which *A* knows to belong to her husband *Z*, and to be such property as she has no authority from *Z* to give. If *A* takes the property dishonestly, he commits theft.

(p) *A* in good faith, believing property belonging to *Z* to be *A*'s own property, takes that property out of *B*'s possession. Here, as *A* does not take dishonestly, he does not commit theft.

Punishment for theft

379. Whoever commits theft shall be punished with imprisonment for a term which may extend to seven years or with fine or with both, and for a second or subsequent offence shall be punished with imprisonment and shall also be liable to fine or to whipping.

Punishment for theft of a motor vehicle

379A. (1) Whoever commits theft of a motor vehicle or any component part of a motor vehicle shall be punished with imprisonment for a term of not less than one year and not more than seven years, and shall also be liable to fine.

(2) In this section—

"component part", in relation to a motor vehicle, includes any tyre, accessory or equipment;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, and includes a trailer drawn by a motor vehicle.

Theft in dwelling house, *etc.*

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

Theft by clerk or servant of property in possession of master

381. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death or hurt in order to commit theft

382. Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person in order to commit such theft, or in order to effect his escape after committing such theft, or in order to retain property taken by such theft, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine or to whipping.

ILLUSTRATIONS

(a) *A* commits theft of property in *Z*'s possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting *Z* in case *Z* should resist. *A* has committed the offence defined in this section.

(b) *A* picks *Z*'s pocket, having posted several of his companions near him, in order that they may restrain *Z*, if *Z* should perceive what is passing and should resist, or should attempt to apprehend *A*. *A* has committed the offence defined in this section.

Persons convicted of an offence against section 379, 380 or 382 committing subsequent offence against such sections

382A. Whoever, having been convicted of an offence under section 379, 380 or 382 subsequently commits an offence under any other of the said three sections, shall be deemed to have committed a second offence under the section under which he has been subsequently convicted.

Extortion

Extortion

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

ILLUSTRATIONS

(a) *A* threatens to publish a defamatory libel concerning *Z*, unless *Z* gives him money. He thus induces *Z* to give him money. *A* has committed extortion.

(b) *A* threatens *Z* that he will keep *Z*'s child in wrongful confinement, unless *Z* will sign and deliver to *A* a promissory note binding *Z* to pay certain moneys to *A*. *Z* signs and delivers the note. *A* has committed extortion.

(c) *A* threatens to send men to plough up *Z*'s field, unless *Z* will sign and deliver to *B* a bond, binding *Z* under a penalty to deliver certain produce to *B*, and thereby induces *Z* to sign and deliver the bond. *A* has committed extortion.

(d) *A*, by putting *Z* in fear of grievous hurt, dishonestly induces *Z* to sign or affix his seal to a blank paper and deliver it to *A*. *Z* signs and delivers the paper to *A*. Here, as the paper so signed may be converted into a valuable security, *A* has committed extortion.

Punishment for extortion

384. Whoever commits extortion shall be punished with imprisonment for a term which may extend to ten years or with fine or with whipping or with any two of such punishments.

Putting person in fear of injury in order to commit extortion

385. Whoever, in order to commit extortion, puts any person in fear, or attempts to put any person in fear of any injury, shall be punished with imprisonment for a term which may extend to seven years or with fine or with whipping or with any two of such punishments.

Extortion by putting a person in fear of death or grievous hurt

386. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment for a term which may extend to fourteen years, and shall also be liable to fine or to whipping.

Putting person in fear of death or of grievous hurt in order to commit extortion

387. Whoever, in order to commit extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine or to whipping.

Extortion by threat of accusation of an offence punishable with death, or imprisonment, *etc.*

388. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed, or attempted to commit, any offence punishable with death, or with imprisonment for a term which may extend to twenty years, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine or to whipping; and if the offence is one punishable under sections 377, 377B and 377C, may be punished with imprisonment for a term which may extend to twenty years.

Putting person in fear of accusation of offence, in order to commit extortion

389. Whoever, in order to commit extortion puts or attempts to put any person in fear of an accusation against that person or any other, of having committed, or attempted to commit, an offence punishable with death, or with imprisonment for a term which may extend to twenty years, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine or to whipping; and if the offence is punishable under sections 377, 377B and 377C, may be punished with imprisonment for a term which may extend to twenty years.

Robbery and Gang-Robbery

Robbery

390. (1) In all robbery there is either theft or extortion.

(2) Theft is "robbery", if, in order to commit theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death, or hurt, or wrongful restraint, or fear of instant death, or of instant hurt, or of instant wrongful restraint.

(3) Extortion is "robbery", if the offender, at the time of committing the extortion, is in the presence of the person put in fear and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

ILLUSTRATIONS

(a) *A* holds *Z* down, and fraudulently takes *Z*'s money and jewels from *Z*'s clothes, without *Z*'s consent. Here *A* has committed theft, and, in order to commit that theft, has voluntarily caused wrongful restraint to *Z*. *A* has therefore committed robbery.

(b) *A* meets *Z* on the high road, shows a pistol, and demands *Z*'s purse. *Z*, in consequence surrenders his purse. Here *A* has extorted the purse from *Z* by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence, *A* has therefore committed robbery.

(c) *A* meets *Z* and *Z*'s child on the high road. *A* takes the child, and threatens to fling it down a precipice, unless *Z* delivers his purse. *Z*, in consequence, delivers his purse. Here *A* has extorted the purse from *Z*, by causing *Z* to be in fear of instant hurt to the child, who is there present. *A* has therefore committed robbery on *Z*.

(d) *A* obtains property from *Z* by saying—"Your child is in the hands of my gang, and will be put to death unless you send us one thousand ringgit". This is extortion, and punishable as such; but it is not robbery, unless *Z* is put in fear of the instant death of his child.

(e) *Z* is walking along a road. *A* on a motorcycle snatches *Z*'s handbag and in the process causes hurt to *Z*. *A* rides away with *Z*'s handbag. *A* has therefore committed robbery.

Gang-robbery

391. When two or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and of persons present and aiding such commission or attempt, amount to two or more, every person so committing, attempting, or aiding, is said to commit "gang-robbery".

Punishment for robbery

392. Whoever commits robbery shall be punished with imprisonment for a term which may extend to fourteen years, and he shall also be liable to fine or to whipping.

Attempt to commit robbery

393. Whoever attempts to commit robbery shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery

394. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Punishment for gang-robbery

395. Whoever commits gang-robbery shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping.

Gang-robbery with murder

396. If any one of two or more persons, who are conjointly committing gang-robbery, commits murder in so committing gang-robbery, every one of those persons shall be punished with death or imprisonment for a term which may extend to thirty years, and, where the punishment is not death, shall also be liable to whipping.

Robbery when armed or with attempt to cause death or grievous hurt

397. If at the time of committing or attempting to commit robbery, the offender is armed with or uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, such offender shall be liable to be whipped, in addition to any other punishment to which he may be liable under any other section of this Code.

398. (*Deleted by F.M.S. En. 30 of 1938*).

Making preparation to commit gang-robbery

399. Whoever makes any preparation for committing gang-robbery, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to whipping.

Punishment for belonging to gang of robbers

400. Whoever shall belong to a gang of persons associated for the purpose of habitually committing gang-robbery, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping.

Punishment for belonging to wandering gang of thieves

401. Whoever shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being gang-robbers, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine or to whipping.

Assembling for purpose of committing gang-robbery

402. Whoever shall be one of two or more persons assembled for the purpose of committing gang-robbery, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine or to whipping.

Criminal Misappropriation of Property

Definition of "agent", "company", "director", "officer"

402A. For the purposes of sections 403, 404, 405, 406, 407, 408, 409, 409A, 409B, 415, 416, 417, 418, 419 and 420 of this Chapter, unless the contrary appears from the context:

"agent" includes any corporation or other person acting or having been acting or desirous or intending to act for or on behalf of any company or other person whether as agent, partner, co-owner, clerk, servant, employee, banker, broker, auctioneer, architect, clerk of works, engineer, advocate and solicitor, accountant, auditor, surveyor, buyer, salesman, trustee

executor, administrator, liquidator, trustee within the meaning of any Act relating to trusteeship or bankruptcy, receiver, director, manager or other officer of any company, club, partnership or association or in any other capacity either alone or jointly with any other person and whether in his own name or in the name of his principal or not;

"company" means a company incorporated under any relevant law for the time being in force or pursuant to any corresponding previous enactment and includes any statutory corporations;

"director" includes any person occupying the position of director of a company, by whatever name called, and includes a person who acts or issues directions or instructions in a manner in which directors of a company are accustomed to issue or act, and includes an alternate or substitute director, notwithstanding any defect in the appointment or qualification of such person;

"officer" in relation to a company includes—

(a) any director, secretary or employee of the company;

(b) a receiver and manager of any part of the undertaking of the company appointed under a power contained in any instrument; and

(c) any liquidator of a company appointed in a voluntary winding up, but does not include—

(i) any receiver who is not also a manager;

(ii) any receiver and manager appointed by the Court; or

(iii) any liquidator appointed by the Court or by the creditors.

Dishonest misappropriation of property

403. Whoever dishonestly misappropriates, or converts to his own use, or causes any other person to dispose of, any property, shall be punished with imprisonment for a term which shall not be less than six months and not more than five years and with whipping and shall also be liable to fine.

ILLUSTRATIONS

(a) *A* takes property belonging to *Z* out of *Z*'s possession, in good faith, believing, at the time when he takes it, that the property belongs to himself. *A* is not guilty of theft; but if *A*, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) *A*, being on friendly terms with *Z*, goes into *Z*'s house in *Z*'s absence and takes away a book without *Z*'s express consent. Here, if *A* was under the impression that he had *Z*'s implied consent to take the book for the purpose of reading it, *A* has not committed theft. But if *A* afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) *A* and *B* being joint owners of a horse, *A* takes the horse out of *B*'s possession, intending to use it. Here, as *A* has a right to use the horse, he does not dishonestly misappropriate it. But if *A* sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1—A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

ILLUSTRATION

A finds a Government promissory note belonging to *Z*, bearing a blank endorsement. *A*, knowing that the note belongs to *Z*, pledges it with a banker as a security for a loan, intending at a future time to restore it to *Z*. *A* has committed an offence under this section.

Explanation 2—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

ILLUSTRATIONS

(a) *A* finds a ringgit on the high road, not knowing to whom the ringgit belongs. *A* picks up the ringgit. Here *A* has not committed the offence defined in this section.

(b) *A* finds a letter on the high road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) *A* finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. *A* knows that this person can direct him to the person in whose favour the cheque was drawn. *A* appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) *A* sees *Z* drop his purse with money in it. *A* picks up the purse with the intention of restoring it to *Z*, but afterwards appropriates it to his own use. *A* has committed an offence under this section.

(e) *A* finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to *Z*, and appropriates it to his own use. *A* is guilty of an offence under this section.

(f) *A* finds a valuable ring, not knowing to whom it belongs. *A* sells it immediately without attempting to discover the owner. *A* is guilty of an offence under this section.

Dishonest misappropriation of property possessed by a deceased person at time of his death

404. Whoever dishonestly misappropriates, or converts to his own use or causes any other person to dispose of property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment for a term which shall not be less than six months and not more than five years and with whipping, and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment shall not be less than one year and not more than ten years and with whipping, and shall also be liable to fine.

ILLUSTRATION

Z dies in possession of furniture and money. His servant *A*, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. *A* has committed the offence defined in this section.

Criminal Breach of Trust

Criminal breach of trust

405. Whoever, being in any manner entrusted with property, or with any dominion over property either solely or jointly with any other person dishonestly misappropriates, or converts to his own use, that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

ILLUSTRATIONS

(a) *A*, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. *A* has committed criminal breach of trust.

(b) *A*, is a warehouse-keeper. *Z*, going on a journey, entrusts his furniture to *A*, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. *A* dishonestly sells the goods. *A* has committed criminal breach of trust.

(c) *A*, residing in Kuala Lumpur, is agent for *Z*, residing in Penang. There is an express or implied contract between *A* and *Z* that all sums remitted by *Z* to *A* shall be invested by *A* according to *Z*'s direction. *Z* remits five thousand ringgit to *A*, with directions to *A* to invest the same in Government securities. *A* dishonestly disobeys the directions, and employs the money in his own business. *A* has committed criminal breach of trust.

(d) But if *A*, in the last illustration, not dishonestly, but in good faith, believing that it will be more for *Z*'s advantage to hold shares in the Oriental Bank, disobeys *Z*'s directions, and buys shares in the Oriental Bank for *Z*, instead of buying Government securities, here, though *Z* should suffer loss and should be entitled to bring a civil action against *A* on account of that loss, yet *A*, not having acted dishonestly, has not committed criminal breach of trust.

(e) *A*, a collector of Government money, or a clerk in a Government office, is entrusted with public money, and is either directed by law, or bound by a contract express or implied, with the Government, to pay into a certain treasury all the public money which he holds. *A* dishonestly appropriates the money. *A* has committed criminal breach of trust.

(f) *A*, a carrier, is entrusted by *Z* with property to be carried by land or by water. *A* dishonestly misappropriates the property. *A* has committed criminal breach of trust.

Explanation—Upon any prosecution for any offence of criminal breach of trust, an employer who deducts the employee's contribution from the wages payable to the employee for credit to any employee fund, by whatever name called, established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law within the meaning of this section.

Punishment of criminal breach of trust

406. Whoever commits criminal breach of trust shall be punished with imprisonment for a term not exceeding ten years and with whipping, and shall also be liable to fine.

Criminal breach of trust by carrier, *etc.*

407. Whoever, being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment for a term which shall not be less than one year and not more than ten years and with whipping, and shall also be liable to fine.

Criminal breach of trust by clerk or servant

408. Whoever, being a clerk or servant, or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term which shall not be less than one year and not more than fourteen years and with whipping, and shall also be liable to fine.

Criminal breach of trust by public servant or agent

409. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or an agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term which shall not be less than two years and not more than twenty years and with whipping, and shall also be liable to fine.

Defence not available

409A. It is no defence for any offence prescribed in sections 403, 404, 405, 406, 407, 408 and 409 to show that the property was openly appropriated or that the appropriation was duly recorded and entered in the books and accounts of any company or association or body of person whether incorporated or not.

Explanation—The property of a company shall be regarded as belonging to the company notwithstanding that the directors of the said company are, either singly or jointly, entitled to the entire beneficial interest, of the shareholding in the said company.

Presumption

409B. (1) Where in any proceeding it is proved—

(a) for any offence prescribed in sections 403 and 404, that any person had misappropriated any property; or

(b) for any offence prescribed in sections 405, 406, 407, 408 and 409, that any person entrusted with property or with dominion over property had—

(i) misappropriated that property;

(ii) used or disposed of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged or of any legal contract, express or implied which he had made touching the discharge of such trust; or

(iii) suffered any person to do any of the acts described in subparagraph (i) or (ii) above,

it shall be presumed that he had acted dishonestly until the contrary is proved.

(2) The presumption under subsection (1) shall apply *mutatis mutandis* to the offences prescribed in sections 109 and 511 of the Code in relation to any of the offences referred to in that section.

Receiving Stolen Property

Stolen property

410. (1) Property the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust or cheating has been committed, is designated as "stolen property", whether the transfer has been made or the misappropriation or breach of trust or cheating has been committed within or without Malaysia. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

(2) The expression "stolen property" includes any property into or for which the same has been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.

Dishonestly receiving stolen property

411. 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 for a term which may extend to five years or with fine or with both; and if the stolen property is a motor vehicle or any component part of a motor vehicle as defined in section 379A, shall be punished with imprisonment for a term of not less than six months and not more than five years, and shall also be liable to fine.

Receiving benefit derived from criminal activities of organized criminal group

411A. (1) Whoever receives from an organized criminal group a benefit that is derived from the criminal activities of the organized criminal group shall be punished with imprisonment for a term which may extend to six years if the person—

(a) knows that it is an organized criminal group; and

(b) knows or is reckless as to whether the benefit is derived from criminal activities of the organized criminal group.

(2) For the purpose of this section, a benefit derived from the criminal activities of an organized criminal group is a benefit derived or realized or substantially derived or realized directly or indirectly from criminal activities of an organized criminal group.

Dishonestly receiving property stolen in the commission of a gang-robbery

412. Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of gang-robbery, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to gang-robbers, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Habitually dealing in stolen property

413. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Assisting in concealment of stolen property

414. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both; and if the stolen property is a motor vehicle or any component part of a motor vehicle as defined in section 379A, shall be punished with imprisonment for a term of not less than six months and not more than seven years, and shall also be liable to fine.

Cheating

Cheating

415. Whoever by deceiving any person, whether or not such deception was the sole or main inducement,—

(a) 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

(b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation, or property,

is said to "cheat".

Explanation 1—A dishonest concealment of facts is a deception within the meaning of this section.

Explanation 2—Mere breach of contract is not of itself proof of an original fraudulent intent.

Explanation 3—Whoever makes any representation through any person acting as an agent, or otherwise, for him, shall be deemed to have made the representation himself.

ILLUSTRATIONS

(a) *A*, by falsely pretending to be in the Government service, intentionally deceives *Z*, and thus dishonestly induces *Z* to let him have on credit goods for which he does not mean to pay. *A* cheats.

(b) *A*, by putting a counterfeit mark on an article, intentionally deceives *Z* into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(c) *A*, by exhibiting to *Z* a false sample of an article, intentionally deceives *Z* into believing that the article corresponds with the sample, and thereby dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(d) *A*, by tendering in payment for an article, a bill on a house with which *A* keeps no money, and by which *A* expects that the bill will be dishonoured, intentionally deceives *Z*, and thereby dishonestly induces *Z* to deliver the article, intending not to pay for it. *A* cheats.

(e) *A*, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives *Z*, and thereby dishonestly induces *Z* to lend money. *A* cheats.

(f) *A* intentionally deceives *Z* into a belief that *A* means to repay any money that *Z* may lend to him, and thereby dishonestly induces *Z* to lend him money, *A* not intending to repay it. *A* cheats.

(g) *A* intentionally deceives *Z* into a belief that *A* means to deliver to *Z* a certain quantity of pepper which he does not intend to deliver, and thereby dishonestly induces *Z* to advance money upon the faith of such delivery. *A* cheats; but if *A*, at the time of obtaining the money, intends to deliver the pepper, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) *A* intentionally deceives *Z* into a belief that *A* has performed *A*'s part of a contract made with *Z*, which he has not performed, and thereby dishonestly induces *Z* to pay money. *A* cheats.

(i) *A* sells and conveys an estate to *B*. *A*, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to *Z* without disclosing the fact of the previous sale and conveyance to *B*, and receives the purchase or mortgage money from *Z*. *A* cheats.

(j) *A*, playing with false dice, or marked cards, wins money from *B*. *A* cheats.

Cheating by personation

416. A person is said to "cheat by personation", if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation—The offence is committed whether the individual personated is a real or imaginary person.

ILLUSTRATIONS

(a) A cheats by pretending to be a certain rich banker of the same name. *A* cheats by personation.

(b) A cheats by pretending to be *B*, a person who is deceased. *A* cheats by personation.

Punishment for cheating

417. Whoever cheats shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect

418. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law, or by a legal contract, to protect, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Punishment for cheating by personation

419. Whoever cheats by personation shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Cheating and dishonestly inducing delivery of property

420. Whoever cheats and thereby dishonestly induces the person deceived, whether or not the deception practised was the sole or main inducement, 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 for a term which shall not be less than one year and not more than ten years and with whipping, and shall also be liable to fine.

Fraudulent Deeds and Dispositions of Property

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors

421. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property, according to law, among his creditors or the creditors of any other person, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender

422. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration

423. Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the

consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Dishonest or fraudulent removal or concealment of consideration

424. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Mischief

Mischief

425. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or any person, causes the destruction of any property, or any such change in any property, or in the situation thereof, as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".

Explanation 1—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

ILLUSTRATIONS

(a) A voluntarily burns a valuable security belonging to *Z*, intending to cause wrongful loss to *Z*. *A* has committed mischief.

(b) A introduces water into an ice-house belonging to *Z*, and thus causes the ice to melt, intending wrongful loss to *Z*. *A* has committed mischief.

(c) A voluntarily throws into a river a ring belonging to *Z*, with the intention of thereby causing wrongful loss to *Z*. *A* has committed mischief.

(d) *A*, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to *Z*, destroys those effects, with the intention of thereby preventing *Z* from obtaining satisfaction of the debt, and of thus causing damage to *Z*. *A* has committed mischief.

(e) *A*, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. *A* has committed mischief.

(f) *A* causes a ship to be castaway, intending thereby to cause damage to *Z*, who has lent money on bottomry on the ship. *A* has committed mischief.

(g) *A*, having joint property with *Z* in a horse, shoots the horse, intending thereby to cause wrongful loss to *Z*. *A* has committed mischief.

(h) *A* causes cattle to enter upon a field belonging to *Z*, intending to cause, and knowing that he is likely to cause, damage to *Z*'s crop. *A* has committed mischief.

Punishment for committing mischief

426. Whoever commits mischief shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Committing mischief and thereby causing damage to the amount of twenty-five ringgit

427. Whoever commits mischief and thereby causes loss or damage to the amount of twenty-five ringgit or upwards, shall be punished with imprisonment for a term of not less than one year and not more than five years or with fine or with both.

Mischief by killing or maiming any animal

428. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

429. (*Deleted by Act A1471*).

Mischief by injury to works of irrigation or by wrongfully diverting water

430. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness, or for carrying on any manufacture, shall be punished with imprisonment for a term of not less than five years and not more than thirty years or with fine or with both.

Mischief affecting any public transportation

430A. Whoever commits mischief by doing any act with intent or with the knowledge that such act is likely to obstruct, upset, overthrow, injure or destroy any railway engine, train, tender, carriage, truck or any form of public transportation, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Mischief by injury to public road, bridge or river

431. Whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Mischief by injury to telegraph cable, wire, *etc.*

431A. Whoever commits mischief by cutting or injuring any electric telegraph cable, wire, line, post, instrument or apparatus for signalling, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Explanation—The injuring here must be of such a nature as to prevent the use of the electric telegraph cable, wire or line, for telegraphing, otherwise the offence will be punishable under section 426.

Mischief by causing inundation or obstruction to public drainage, attended with damage

432. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights

433. Whoever commits mischief by destroying or moving any lighthouse or other light used as a seamark, or any seamark or buoy or other thing placed as a guide for navigators, or by any act which renders any such lighthouse, seamark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Mischief by destroying or moving, *etc*., a landmark fixed by public authority

434. Whoever commits mischief by destroying or moving any landmark fixed by the authority of a public servant, or by any act which renders such landmark less useful as such, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Mischief by fire or explosive substance with intent to cause damage to amount of fifty ringgit

435. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of fifty ringgit or upwards, shall be punished with imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, *etc*.

436. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship, or for the administration of justice, or for the transaction of public affairs, or for education, or art, or for public use or ornament, or as a human dwelling, or as a place for the custody of property or any government facility, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden

437. Whoever commits mischief to any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment for the mischief described in the last section when committed by fire or any explosive substance

438. Whoever commits or attempts to commit by fire or any explosive substance, such mischief as is described in section 437, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Punishment for intentionally running vessels aground or ashore with intent to commit theft, *etc*.

439. Whoever intentionally runs any vessel aground or ashore intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Mischief occurring during disturbances, *etc*.

440. Whoever commits mischief—

(a) while taking part in an unlawful assembly or in a riot; or

(b) having made preparation for causing to any person death, or hurt or wrongful restraint, or fear of death, or of hurt or of wrongful restraint,

shall be punished with imprisonment which may extend to five years, and shall also be liable to fine.

Criminal Trespass

Criminal trespass

441. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy 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".

House-trespass

442. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass".

Explanation—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Lurking house-trespass

443. Whoever commits house-trespass, having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit, "lurking house-trespass".

444. (*Deleted by Act A1273*).

Housebreaking

445. A person is said to commit "house breaking", who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways:

(a) if he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to commit the house-trespass;

(b) if he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building;

(c) if he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to commit the house-trespass, by any means by which that passage was not intended by the occupier of the house to be opened;

(d) if he enters or quits by opening any lock in order to commit the house-trespass, or in order to quit the house after a house-trespass;

(e) if he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault;

(f) if he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation—Any outhouse or building occupied with a house and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

ILLUSTRATIONS

(a) *A* commits house-trespass by making a hole through the wall of *Z*'s house, and putting his hand through the aperture. This is housebreaking.

(b) *A* commits house-trespass by creeping into a ship at a port-hole between decks, although found open. This is housebreaking.

(c) *A* commits house-trespass by entering *Z*'s house through a window, although found open. This is housebreaking.

(d) *A* commits house-trespass by entering *Z*'s house through the door, having opened a door which was fastened. This is housebreaking.

(e) *A* commits house-trespass by entering *Z*'s house through the door, having lifted a latch by putting a wire through a hole in the door. This is housebreaking.

(f) *A* finds the key of *Z*'s house-door, which *Z* had lost, and commits house-trespass by entering *Z*'s house, having opened the door with that key. This is housebreaking.

(g) *Z* is standing in his doorway. *A* forces a passage by knocking *Z* down, and commits house-trespass by entering the house. This is housebreaking.

(h) *Z*, the door-keeper of *Y*, is standing in *Y*'s doorway .*A* commits house-trespass by entering the house, having deterred *Z* from opposing him by threatening to beat him. This is housebreaking.

446. (*Deleted by Act A1273*).

Punishment for criminal trespass

447. Whoever commits criminal trespass shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to three thousand ringgit or with both.

Punishment for house-trespass

448. Whoever commits house-trespass shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand ringgit or with both.

House-trespass in order to commit an offence punishable with death

449. Whoever commits house-trespass in order to commit any offence punishable with death, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

House-trespass in order to commit an offence punishable with imprisonment for life

450. Whoever commits house-trespass in order to commit any offence punishable with imprisonment for life or imprisonment for a term which may extend to twenty years, shall be punished with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to commit an offence punishable with imprisonment

451. Whoever commits house-trespass in order to commit any offence punishable with imprisonment, shall be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass after preparation made for causing hurt to any person

452. Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault, or of wrongful restraint, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Punishment for lurking house-trespass or housebreaking

453. Whoever commits lurking house-trespass or housebreaking, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine, and for every second or subsequent offence shall be punished with imprisonment and shall also be liable to fine or to whipping.

454. (*Deleted by Act A1273*).

Lurking house-trespass or housebreaking after preparation made for causing hurt to any person

455. Whoever commits lurking house-trespass or housebreaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment for a term which may extend to fourteen years, and shall also be liable to fine or to whipping.

456. (*Deleted by Act A1273*).

Lurking house-trespass or housebreaking in order to commit an offence punishable with imprisonment

457. Whoever commits lurking house-trespass or housebreaking, in order to commit any offence punishable with imprisonment, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years; and for every second or subsequent offence shall in either case be liable to fine or whipping.

Subsequent offence under section 453 or 457 punishable with whipping after first offence

457A. Whoever, having been convicted of an offence under section 453 or 457 subsequently commits an offence under any other of the said two sections shall be deemed to have committed a second offence under the section under which he has been subsequently convicted.

458. (*Deleted by Act A1273*).

Grievous hurt caused while committing lurking house-trespass or housebreaking

459. Whoever, while committing lurking house-trespass or housebreaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

All persons jointly concerned in housebreaking, *etc*., to be punishable for death, or grievous hurt caused by one of their number

460. If, at the time of committing lurking house-trespass or housebreaking, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt of any person, every person jointly concerned in committing such lurking house-trespass or housebreaking, shall be punished with imprisonment for a term which may extend to thirty years, and shall also be liable to fine.

Dishonestly breaking open any closed receptacle containing or supposed to contain property

461. Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Punishment for same offence when committed by person entrusted with custody

462. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

CHAPTER XVIII

OFFENCES RELATING TO DOCUMENTS AND TO CURRENCY NOTES AND BANK NOTES

Forgery

463. Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

Making a false document

464. A person is said to make a false document—

(a) who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by, or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed;

(b) who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself by any other person, whether such person be living or dead at the time of such alteration; or

(c) who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or the nature of the alteration.

ILLUSTRATIONS

(a) A has a letter of credit upon *B* for ringgit 1,000 written by *Z*. *A* in order to defraud *B*, adds a cypher to the 1,000, and makes the sum 10,000, intending that it may be believed by *B* that *Z* so wrote the letter. *A* has committed forgery.

(b) A, without *Z*'s authority, affixes *Z*'s seal to a document, purporting to be a conveyance of an estate from *Z* to *A*, with the intention of selling the estate to *B*, and thereby of obtaining from *B* the purchase money. *A* has committed forgery.

(c) A picks up a cheque on a banker signed by *B*, payable to bearer, but without any sum having been inserted in the cheque. *A* fraudulently fills up the cheque by inserting the sum of one thousand ringgit. *A* commits forgery.

(d) A leaves with *B* his agent, a cheque on a banker, signed by *A*, without inserting the sum payable, and authorizes *B* to fill up the cheque by inserting a sum not exceeding one thousand ringgit for the purpose of making certain payments. *B* fraudulently fills up the cheque by inserting the sum of ten thousand. *B* commits forgery.

(e) A draws a bill of exchange on himself in the name of *B* without *B*'s authority, intending to discount it as a genuine bill with a banker, and intending to take up the bill on its maturity. Here, as *A* draws the bill with intent to deceive the banker by leading him to suppose that he had the security of *B*, and thereby to discount the bill, *A* is guilty of forgery.

(f) Z's will contains these words: "I direct that all my remaining property be equally divided between *A*, *B* and *C*". *A* dishonestly scratches out *B*'s name, intending that it may be believed that the whole was left to himself and *C*. *A* has committed forgery.

(g) A endorses a promissory note and makes it payable to *Z*, or his order, by writing on the bill the words "Pay to *Z*, or his order", and signing the endorsement. *B* dishonestly erases the words "Pay to *Z*, or his order", and thereby converts the special endorsement into a blank endorsement. *B* commits forgery.

(h) A sells and conveys an estate to *Z*. *A* afterwards, in order to defraud *Z* of his estate, executes a conveyance of the same estate to *B*, dated six months earlier than the date of the conveyance to *Z*, intending it to be believed that he had conveyed the estate to *B* before he conveyed it to *Z*. *A* has committed forgery.

(i) Z dictates his will to *A*. *A* intentionally writes down a different legatee from the legatee named by *Z*, and by representing to *Z* that he has prepared the will according to his instruction, induces *Z* to sign the will. *A* has committed forgery.

(j) *A* writes a letter and sign sit with *B*'s name without *B*'s authority, certifying that *A* is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from *Z* and other persons. Here, as *A* made a false document in order to induce *Z* to part with property, *A* has committed forgery.

(k) *A* without *B*'s authority writes a letter and signs it in *B*'s name, certifying to *A*'s character, intending there by to obtain employment under *Z*. *A* has committed forgery, inasmuch as he intended to deceive *Z* by the forged certificate, and thereby to induce *Z* to enter into an express or implied contract for service.

Explanation 1—A man's signature of his own name may amount to forgery.

ILLUSTRATIONS

(a) *A* signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. *A* has committed forgery.

(b) *A* writes the word "accepted" on a piece of paper and signs it with *Z*'s name, in order that *B* may afterwards write on the paper a bill of exchange drawn by *B* upon *Z*, and negotiate the bill as though it had been accepted by *Z*. *A* is guilty of forgery; and if *B* knowing the fact draws the bill upon the paper pursuant to *A*'s intention, *B* is also guilty of forgery.

(c) *A* picks up a bill of exchange payable to the order of a different person of the same name. *A* endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable: here *A* has committed forgery.

(d) *A* purchases an estate sold under execution of a decree against *B*. *B* after the seizure of the estate, in collusion with *Z*, executes a lease of the estate to *Z* at a nominal rent and for a long period, and dates the lease six months prior to the seizure with intent to defraud *A*, and to cause it to be believed that the lease was granted before the seizure. *B*, though he executes the lease in his own name, commits forgery by antedating it.

(e) *A*, a trader, in anticipation of insolvency, lodges effects with *B* for *A*'s benefit, and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a promissory note, binding himself to pay to *B* a sum for value received, and antedates the note, intending that it may be believed to have been made before *A* was on the point of insolvency. *A* has committed forgery under the first head of the definition.

Explanation 2—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

ILLUSTRATION

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. *A* commits forgery.

Punishment for forgery

465. Whoever commits forgery shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Forgery of a record of a Court, or a public Register of Births, *etc*.

466. Whoever forges a document, purporting to be a record or proceeding of or before a Court, or a Register of Birth, Baptism, Marriage or Burial, or a Register kept by a public servant as such, or a certificate or document, purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a valuable security or will

467. Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property or valuable security, or any document purporting to be an acquittance or receipt, acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Forgery for the purpose of cheating

468. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Forgery for the purpose of harming the reputation of any person

469. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

"A forged document"

470. A false document, made wholly or in part by forgery, is designated "a forged document".

Using as genuine a forged document

471. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Making or possessing a counterfeit seal, plate, *etc*., with intent to commit a forgery punishable under section 467

472. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Making or possessing a counterfeit seal, plate, *etc*., with intent to commit a forgery punishable otherwise

473. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a valuable security or will known to be forged, with intent to use it as genuine

474. Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the descriptions mentioned in section 466, be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine; and shall, if the document is one of the descriptions mentioned in section 467, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material

475. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents other than those described in section 467 or possessing counterfeit marked material

476. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document other than the documents described in section 467, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Fraudulent cancellation, destruction, *etc*., of a will

477. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy, or deface, or secretes, or attempts to secrete, any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect to such document, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Falsification of accounts

477A. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully and with intent to defraud, makes or abets the making of any false entry in, or omits or alters, or abets the omission or alteration of any material particular from or in any such book, paper, writing, valuable security or account, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Explanation—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded, or specifying any particular sum of money intended to be the subject of the fraud or any particular day on which the offence was committed.

478–489. (*There are no ss. 478–489*).

Currency Notes and Bank Notes

Forging or counterfeiting currency notes or bank notes

489A. Whoever forges or counterfeits, or knowingly performs any part of the process of forging or counterfeiting, any currency note or bank note shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Explanation 1—For the purposes of this section and of sections 489B, 489C and 489D, the expression "bank note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for, money.

Explanation 2—For the purpose of this section and of sections 489B, 489C and 489D the expression "currency note" includes any note (by whatever name called) which is legal tender in the country in which it is issued.

Using as genuine, forged or counterfeit currency notes or bank notes

489B. Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Possession of forged or counterfeit currency notes or bank notes

489C. Whoever has in his possession any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment for a term which may extend to ten years.

Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes

489D. Whoever makes or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency note or bank note, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

CHAPTER XIX

CRIMINAL BREACH OF CONTRACTS OF SERVICE

490. (*Deleted by Ord. 25 of 1957*).

Breach of contract to attend on and supply the wants of helpless persons

491. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to four hundred ringgit or with both.

492. (*Deleted by F.M.S. En. 41 of 1936*).

CHAPTER XX

OFFENCES RELATING TO MARRIAGE

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage

493. Every man who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Marrying again during the lifetime of husband or wife

494. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife and whether such marriage has taken place within Malaysia or outside Malaysia, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Exception—This section does not extend to any person whose marriage, with such husband or wife, has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time, provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted

495. Whoever commits the offence defined in section 494, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent without lawful marriage

496. Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

497. (*There is no s. 497*).

Enticing or taking away or detaining with a criminal intent a married woman

498. Whoever takes or entices away any woman who is and whom he knows, or has reason to believe, to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals, or detains with that intent any such woman, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

CHAPTER XXI

DEFAMATION

Defamation

499. Whoever, by words either spoken or intended to be read or by signs, or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm the reputation and shall also be liable to fine of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2—It may amount to defamation to make an imputation concerning a company, or an association or collection of persons as such.

Explanation 3—An imputation in the form of an alternative, or expressed ironically, may amount to defamation.

Explanation 4—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

ILLUSTRATIONS

(a) A says—"*Z* is an honest man; he never stole *B*'s watch"; intending to cause it to be believed that *Z* did steal *B*'s watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole *B*'s watch. *A* point to *Z*, intending to cause it to be believed that *Z* stole *B*'s watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of *Z* running away with *B*'s watch, intending it to be believed that *Z* stole *B*'s watch. This is defamation, unless it falls within one of the exceptions.

First Exception—It is not defamation to impute anything which is true concerning any person, if it is for the public good that the imputation should be made or published. Whether or not it is for the public good is and shall also be liable to fine a question of fact.

Second Exception—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Third Exception—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

ILLUSTRATION

It is not defamation in *A* to express in good faith any opinion whatever respecting *Z*'s conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties in which the public is interested.

Fourth Exception—It is not defamation to publish a substantially true report of the proceedings of a Court, or of any Legislative Assembly, or of the result of any such proceedings.

Explanation—A Justice of the Peace or other officer holding an inquiry in open Court preliminary to a trial in a Court, is a Court within the meaning of the above section.

Fifth Exception—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

ILLUSTRATIONS

(a) A says—"I think *Z*'s evidence on that trial is so contradictory that he must be stupid or dishonest". *A* is within this exception if he says this in good faith; in as much as the opinion which he expresses respects *Z*'s character as it appear s in *Z*'s conduct as a witness, and no further.

(b) But if *A* says—"I do not believe what *Z* asserted at that trial, because I know him to be a man without veracity". *A* is not within this exception, in as much as the opinion which he expresses of *Z*'s character, is an opinion not founded on *Z*'s conduct as a witness.

Sixth Exception—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation—A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

ILLUSTRATIONS

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) *A* says of a book published by *Z*—"*Z*'s book is foolish, *Z* must be a weak man. *Z*'s book is in decent, *Z* must be a man of impure mind". *A* is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of *Z* respects *Z*'s character only so far as it appears in *Z*'s book, and no further.

(e) But if *A* says—"I am not surprised that *Z*'s book is foolish and indecent, for he is a weak man and a libertine". *A* is not within this exception, in as much as the opinion which he expresses of *Z*'s character is an opinion not founded on *Z*'s book.

Seventh Exception—It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

ILLUSTRATION

A Judge censuring in good faith the conduct of a witness or of an officer of the Court; a Head of a Department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier—are within this exception.

Eighth Exception—It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

ILLUSTRATION

If *A* in good faith accuses *Z* before a Magistrate; if *A* in good faith complains of the conduct of *Z*, a servant, to *Z*'s master; if *A* in good faith complains of the conduct of *Z*, a child, to *Z*'s father—*A* is within this exception.

Ninth Exception—It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

ILLUSTRATIONS

(a) *A*, a shopkeeper, says to *B*, who manages his business—"Sell nothing to *Z* unless he pays you ready money, for I have no opinion of his honesty". *A* is within the exception, if he has made this imputation on *Z* in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his superior officer, casts an imputation on the character of *Z*. Here, if the imputation is made in good faith and for the public good, *A* is within the exception.

Tenth Exception—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

In proving the existence of circumstances as a defence under the 2nd, 3rd, 5th, 6th, 7th, 8th, 9th, or 10th exception, good faith shall be presumed unless the contrary appears.

Punishment for defamation

500. Whoever defames another shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Printing or engraving matter known to be defamatory

501. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Sale of printed or engraved substance containing defamatory matter

502. Whoever sells or offers for sale any printed or engraved substance, containing defamatory matter, knowing that it contains such matter, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

CHAPTER XXII

CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

Criminal intimidation

503. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to

that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is with in this section.

ILLUSTRATION

A, for the purpose of inducing *B* to desist from prosecuting a civil suit, threatens to burn *B*'s house. *A* is guilty of criminal intimidation.

Intentional insult with intent to provoke a breach of the peace

504. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Statements conducing to public mischief

505. Whoever makes, publishes or circulates any statement, rumour or report—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Malaysian Armed Forces or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;

(b) with intent to cause, or which his likely to cause, fear or alarm to the public, or to any section of the public where by any person may be induced to commit an offence against the State or against the public tranquillity; or

(c) with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class or community of persons,

shall be punished with imprisonment which may extend to two years or with fine or with both.

*E*xception—It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

Punishment for criminal intimidation

506. Whoever commits the offence of criminal intimidation shall be punished with imprisonment for a term which may extend to two years or with fine or with both; if the threat is to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

Criminal intimidation by an anonymous communication

507. Whoever commits the offence of criminal intimidation by an anonymous communication, or by having taken precautions to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment for a term which may extend to two years, in addition to the punishment provided for the offence by section 506.

Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure

508. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he, or any person in whom he is interested, will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

ILLUSTRATIONS

(a) *A* performs a ceremony at *Z*'s door with the intention of causing it to be believed that by so doing he renders *Z* an object of Divine displeasure. *A* has committed the offence defined in this section.

(b) *A* threatens *Z* that unless *Z* performs a certain act, *A* will kill one of *A*'s own children, under such circumstances that the killing would be believed to render *Z* an object of Divine displeasure. *A* has committed the offence defined in this section.

Word or gesture intended to insult the modesty of a person

509. Whoever, intending to insult the modesty of any person, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such person, or intrudes upon the privacy of such person, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

Misconduct in public by a drunken person

510. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with imprisonment for a term which may extend to ten days or with fine which may extend to twenty ringgit or with both.

Chapter XXIII

ATTEMPTS TO COMMIT OFFENCES

Punishment for attempting to commit offences punishable with imprisonment

511. Whoever attempts to commit an offence punishable by this Code or by any other written law with imprisonment or fine or with a combination of such punishments, or attempts to cause such an offence to be committed, and in such attempt does any

act towards the commission of such offence, shall, where no express provision is made by this Code or by such other written law, as the case may be, for the punishment of such attempt, be punished with such punishment as is provided for the offence:

Provided that any term of imprisonment imposed shall not exceed one-half of the longest term provided for the offence.

ILLUSTRATIONS

(a) *A* makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) *A* makes an attempt to pick the pocket of *Z* by thrusting his hand into *Z*'*s* pocket. *A* fails in the attempt in consequence of *Z*'s having nothing in his pocket. *A* is guilty under this section.

LAWS OF MALAYSIA

Act 574

PENAL CODE

LIST OF AMENDMENTS

Amending law	Short title	In force from
F.M.S. En. 1/1936	Revised Edition of the Laws (Operation) Enactment 1936	27-03-1936
F.M.S. En. 41/1936	Penal Code (Amendment) Enactment 1936	29-12-1936
F.M.S. En. 11/1937	Penal Code (Amendment) Enactment 1937	23-07-1937
F.M.S. En. 18/1937	Statute Law Revision (Chief Secretary's Powers) Enactment 1937	23-07-1937
F.M.S. En. 3/1938	Statute Law Revision (General Amendments) Enactment 1938	06-04-1938
F.M.S. En. 30/1938	Penal Code (Amendment) Enactment 1938	21-12-1938
F.M.S. G.N. 940/1939	Notification under the Statute Law Revision (General Amendments) Enactment 1938	17-02-1939
F.M.S. G.N. 1702/1939	Notification under the Statute Law Revision (General Amendments) Enactment 1938	31-03-1939
F.M.S. En. 13/1939	Sedition Enactment 1939	18-10-1939
F.M. Ord. 1/1948	Transfer of Powers Ordinance 1948	06-03-1948
F.M. Ord. 32/1948	Penal Code (Amendment and Extended Application) Ordinance 1948	18-12-1948
F.M. Ord. 14/1953	Criminal Justice Ordinance 1953	30-04-1953
F.M. Ord. 25/1957	Penal Code (Amendment) Ordinance 1957	01-07-1957

Amending law	Short title	In force from
L.N. (N.S.) 1/1957	Federal Constitution (Modification of Laws) Order 1957	31-08-1957
L.N. (N.S.) 9/1957	Corrigendum to Federal Constitution (Modification of Laws) Order 1957	31-08-1957
L.N. (N.S.) 56/1957	Corrigendum to Federal Constitution (Modification of Laws) Order 1957	31-08-1957
Ord. 11/1959	Banishment Ordinance 1959	01-05-1959
Act 41/1961	Kidnapping Act 1961	21-09-1961
Act 7/1964	Courts of Judicature Act 1964	16-09-1963
Act 24/1965	Penal Code (Amendment) Act 1965	01-04-1965
Act 1/1966	Penal Code (Amendment) Act 1965	01-04-1965
Act 39/1967	Penal Code (Amendment) Act 1967	29-08-1967
Act A327	Penal Code (Amendment and Extension) Act 1976	31-03-1976
Act A354	Constitution (Amendment) Act 1976	27-08-1976
Act A538	Penal Code (Amendment) Act 1982	14-05-1982
Act A549	Penal Code and Criminal Procedure Code (Amendment) Act 1983	20-02-1983
Act A614	Penal Code (Amendment) Act 1985	31-05-1985
Act A651	Penal Code (Amendment) Act 1986	16-05-1986
Act A727	Penal Code (Amendment) Act 1989	05-05-1989
Act A860	Penal Code (Amendment) Act 1993	17-09-1993

Amending law	Short title	In force from
Act A1131	Penal Code (Amendment) Act 2001	01-08-2002
Act A1210	Penal Code (Amendment) Act 2003	06-03-2007 except section 9: 07-09-2007
Act A1273	Penal Code (Amendment) Act 2006	07-09-2007
Act A1303	Penal Code (Amendment) Act 2007	07-09-2007
Act A1430	Penal Code (Amendment) Act 2012	31-07-2012
Act A1471	Penal Code (Amendment) Act 2014	31-12-2014
Act A1483	Penal Code (Amendment) Act 2015	15-06-2015
Act A1536	Penal Code (Amendment) Act 2017	01-09-2017

LAWS OF MALAYSIA

Act 574

PENAL CODE

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
3	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
4	Act A327	31-03-1976
	Act A1210	06-03-2007
	Act A1430	31-07-2012
5	L.N. (N.S.) 1/1957	01-07-1957
13	L.N. (N.S.) 1/1957	01-07-1957
17	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
21	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
24	Act A860	17-09-1993
29	Act A860	17-09-1993
43	Act A860	17-09-1993
49	L.N. (N.S.) 1/1957	01-07-1957
52A-52B	Act A1471	31-12-2014
53	F.M.S. En. 3/1938	06-04-1938
	F.M. Ord. 14/1953	30-04-1953
54	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957

Section	Amending authority	In force from
55	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
57	Act A1210	06-03-2007
59	F.M. Ord.14/1953	30-04-1953
60	F.M. Ord.14/1953	30-04-1953
63	F.M.S. En. 1/1936	27-03-1936
64	F.M.S. En. 1/1936	27-03-1936
66	F.M.S. En. 1/1936	27-03-1936
67	F.M.S. En. 1/1936	27-03-1936
68	F.M.S. En. 1/1936	27-03-1936
69	F.M.S. En. 1/1936	27-03-1936
70	F.M.S. En. 1/1936	27-03-1936
73	F.M. Ord.14/1953	30-04-1953
74	F.M. Ord.14/1953	30-04-1953
75	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
75A	Act A1471	31-12-2014
82	Act A327	31-03-1976
83	Act A327	31-03-1976
85	F.M.S. En. 1/1936	27-03-1936
86	F.M.S. En. 1/1936	27-03-1936
	Act 24/1965	01-04-1965
	Act 1/1966	01-04-1965
	Act A327	31-03-1976
91	Act A727	05-05-1989
94	Act A1210	06-03-2007
107	Act A1430	31-07-2012
	Act A1471	31-12-2014

Section	Amending authority	In force from
108A	Act A327	31-03-1976
115	F.M.S. En. 1/1936	27-03-1936
	Act A327	31-03-1976
118	Act A327	31-03-1976
119	Act A327	31-03-1976
120A	F.M. Ord. 32/1948	18-12-1948
	Act A1430	31-07-2012
120B	Act A1430	31-07-2012
121	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
	Act A327	31-03-1976
121A	L.N. (N.S.) 1/1957	01-07-1957
121B	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
122	L.N. (N.S.) 1/1957	01-07-1957
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123	L.N. (N.S.) 1/1957	01-07-1957
	Act A327	31-03-1976
124	F.M.S. En. 18/1937	23-07-1937
	F.M. Ord. 1/1948	06-03-1948
	F.M. Ord. 32/1948	18-12-1948
	L.N. (N.S.) 1/1957	01-07-1957
124A	F.M.S. En. 13/1939	18-10-1939
124B-124N	Act A1430	31-07-2012
125	L.N. (N.S.) 1/1957	01-07-1957
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125A	Act A327	31-03-1976
126	L.N. (N.S.) 1/1957	01-07-1957
	Act A327	31-03-1976

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127	Act A327	31-03-1976
128	Act A327	31-03-1976
130	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
130A	Act A327	31-03-1976
	Act A1273	07-09-2007
	Act A1430	31-07-2012
130B	Act A1210	06-03-2007
	Act A1273	07-09-2007
	Act A1303	07-09-2007
130C-130F	Act A1210	06-03-2007
130FA-130FB	Act A1483	15-06-2015
130G-130I	Act A1210	06-03-2007
	Act A1210	06-03-2007
130J	Act A1210	06-03-2007
	Act A1483	15-06-2015
130JA-130JD	Act A1483	15-06-2015
130K	Act A1210	06-03-2007
130KA	Act A1430	31-07-2012
130L-130Q	Act A1210	06-03-2007
130QA	Act A1471	31-12-2014
130R-130T	Act A1210	06-03-2007
130TA	Act A1483	15-06-2015
130U-130V	Act A1430	31-07-2012
	Act 1471	31-12-2012
130W	Act A1430	31-07-2012
130X-130ZC	Act A1471	31-12-2014
131	L.N. (N.S.) 1/1957	01-07-1957
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132	L.N. (N.S.) 1/1957	01-07-1957
	Act A327	31-03-1976

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133	L.N. (N.S.) 1/1957	01-07-1957
134	L.N. (N.S.) 1/1957	01-07-1957
135	L.N. (N.S.) 1/1957	01-07-1957
136	L.N. (N.S.) 1/1957	01-07-1957
137	L.N. (N.S.) 1/1957	01-07-1957
138	L.N. (N.S.) 1/1957	01-07-1957
139	L.N. (N.S.) 1/1957	01-07-1957
140	L.N. (N.S.) 1/1957	01-07-1957
140B	F.M.S. En. 41/1936 F.M. Ord. 32/1948 L.N. (N.S.) 1/1957	29-12-1936 18-12-1948 01-07-1957
141	F.M. Ord. 32/1948 L.N. (N.S.) 1/1957	18-12-1948 01-07-1957
144	Act No. 39/1967	29-08-1967
148	Act No. 39/1967	29-08-1967
153A	F.M.S. En. 13/1939	18-10-1939
160	Act A1273	07-09-2007
161	F.M. Ord. 32/1948 L.N. (N.S.) 1/1957	18-12-1948 01-07-1957
162	F.M. Ord. 32/1948 L.N. (N.S.) 1/1957	18-12-1948 01-07-1957
163	F.M. Ord. 32/1948 L.N. (N.S.) 1/1957	18-12-1948 01-07-1957
176	Act A1471	31-12-2014
177	F.M. Ord. 32/1948	18-12-1948
182	F.M.S. G.N. 1702/1939	31-03-1939
186	Act A1273	07-09-2007

Section	Amending authority	In force from
194	Act A327	31-03-1976
	Act A538	14-05-1982
203	Act 24/1965	01-04-1965
203A	Act A1471	31-12-2014
212	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
216	F.M.S. En. 41/1936	29-12-1936
	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
216A	F.M. Ord. 32/1948	18-12-1948
216B	F.M.S. En. 41/1936	29-12-1936
222	Act A327	31-03-1976
223	Act A1471	31-12-2014
225	Act A327	31-03-1976
	Act A549	20-02-1985
225B	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
	Act A1273	07-09-2007
226	F.M.S. En. 30/1938	21-12-1938
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	L.N. (N.S.) 1/1957	01-07-1957
	Ord. 11/1959	01-05-1959
230	F.M.S. En. 41/1936	29-12-1936
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	Act 24/1965	01-04-1965
	Act A327	31-03-1976
231	Act A327	31-03-1976
	Act A538	14-05-1982
232	F.M.S. En. 41/1936	29-12-1936
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	Act A538	14-05-1982
233	F.M.S. En. 41/1936	29-12-1936
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Section	Amending authority	In force from
234	F.M.S. En. 41/1936	29-12-1936
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	Act A538	14-05-1982
235	F.M.S. En. 41/1936	29-12-1936
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236	F.M. Ord. 32/1948	18-12-1948
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237	F.M. Ord. 32/1948	18-12-1948
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238	F.M.S. En. 41/1936	29-12-1936
	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
	Act A538	14-05-1982
239	Act A327	31-03-1976
240	F.M.S. En. 41/1936	29-12-1936
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241	Act A327	31-03-1976
242	Act A327	31-03-1976
243	F.M.S. En. 41/1936	29-12-1936
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246	Act A327	31-03-1976
247	F.M.S. En. 41/1936	29-12-1936
	Act A327	31-03-1976
	Act A538	14-05-1982
248	Act A327	31-03-1976
249	F.M.S. En. 41/1936	29-12-1936
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	Act A538	14-05-1982
250	Act A327	31-03-1976
251	F.M.S. En. 41/1936	29-12-1936
	Act A538	14-05-1982
252	Act A327	31-03-1976

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253	F.M.S. En. 41/1936	29-12-1936
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254	Act A327	31-03-1976
255	Act A327	31-03-1976
292	Act A727	05-05-1989
	Act A1536	01-09-2017
293	Act A727	05-05-1989
	Act A1536	01-09-2017
294	F.M.S. En. 41/1936	29-12-1936
298A	Act A549	20-02-1983
	Act A614	31-05-1985
	Act A1210	06-03-2007
304	Act A327	31-03-1976
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305	Act A327	31-03-1976
307	Act A327	31-03-1976
309A	F.M.S. En. 1/1936	27-03-1936
309B	F.M.S. En. 1/1936	27-03-1936
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312	Act A727	05-05-1989
313	Act A327	31-03-1976
314	Act A327	31-03-1976
320	Act A1471	31-12-2014
322	Act A1471	31-12-2014
324	Act A1471	31-12-2014
326	Act A327	31-03-1976
	Act A1471	31-12-2014
326A	Act A1471	31-12-2014
	Act A1536	01-09-2017

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327	Act 24/1965	01-04-1965
329	Act 24/1965	01-04-1965
	Act A327	31-03-1976
352A	Act A1471	31-12-2014
354	Act A727	05-05-1989
359	F.M. Ord. 32/1948	18-12-1948
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360	F.M. Ord. 32/1948	18-12-1948
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363	F.M. Ord. 32/1948	18-12-1948
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364	F.M. Ord. 32/1948	18-12-1948
	Act 41/1961	21-09-1961
	Act A327	31-03-1976
	Act A1210	06-03-2007
371	Act A327	31-03-1976
372	Act A1131	01-08-2002
372A	Act A1131	01-08-2002
372B	Act A1131	01-08-2002
373	Act A327	31-03-1976
	Act A1131	01-08-2002
373A	F.M. Ord. 32/1948	18-12-1948
	Act A327	31-03-1976
	Act A1131	01-08-2002
374	Act A327	31-03-1976
374A	Act A1210	06-03-2007
375	Act A727	05-05-1989
	Act A1273	07-09-2007
375A	Act A1273	07-09-2007
375B	Act A1471	31-12-2014

Section	Amending authority	In force from
376	Act A327	31-03-1976
	Act A727	05-05-1989
	Act A1210	07-09-2007
	Act A1273	07-09-2007
	Act A1303	07-09-2007
	Act A1471	31-12-2014
	Act A1536	01-09-2017
376A	Act A1131	01-08-2002
376B	Act A1131	01-08-2002
	Act A1471	31-12-2014
	Act A1536	01-09-2017
377	Act A327	31-03-1976
	Act A727	05-05-1989
377A	F.M. En. 30/1938	21-12-1938
	Act A727	05-05-1989
377B	Act A727	05-05-1989
	Act A1536	01-09-2017
377C	Act A727	05-05-1989
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377CA	Act A1273	07-09-2007
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377D	Act A727	05-05-1989
377E	Act A727	05-05-1989
	Act A1471	31-12-2014
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379	Act A727	05-05-1989
379A	Act A727	05-05-1989
380	Act A727	05-05-1989
384	Act A727	05-05-1989
385	Act A727	05-05-1989
386	Act A727	05-05-1989
387	Act A727	05-05-1989

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388	Act A327	31-03-1976
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389	Act A327	31-03-1976
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390	Act A1273	07-09-2007
391	Act A1273	07-09-2007
392	F.M.S. En. 11/1937	23-07-1937
	Act A1273	07-09-2007
394	Act A327	31-03-1976
395	Act 24/1965	01-04-1965
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396	Act 24/1965	01-04-1965
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397	F.M.S. En. 11/1937	23-07-1937
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398	F.M.S. En. 11/1937	23-07-1937
	F.M.S. En. 30/1938	21-12-1938
399	Act 24/1965	01-04-1965
400	Act 24/1965	01-04-1965
	Act A327	31-03-1976
402	Act A1273	07-09-2007
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402A	Act A860	17-09-1993
403	Act A860	17-09-1993
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405	Act A860	17-09-1993
406	Act A727	05-05-1989
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	Act A860	17-09-1993
408	Act A727	05-05-1989
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409	Act A327	31-03-1976
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409A	Act A860	17-09-1993
409B	Act A860	17-09-1993
410	F.M. Ord. 32/1948	18-12-1948
	Act 24/1965	01-04-1965
	Act A327	31-03-1976
411	Act A727	05-05-1989
411A	Act A1471	31-12-2014
412	Act A327	31-03-1976
413	Act A327	31-03-1976
414	Act A727	05-05-1989
415	Act A860	17-09-1993
417	Act A727	05-05-1989
418	Act A727	05-05-1989
419	Act A727	05-05-1989
420	Act A727	05-05-1989
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421	Act A727	05-05-1989
423	F.M.S. G.N. 940/1939	17-02-1939
424	Act A727	05-05-1989
426-430	Act A1471	31-12-2014
430A	Act A327	31-03-1976
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436	Act A327	31-03-1976
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438	Act A327	31-03-1976
440	Act No. 39/1967	29-08-1967
444	Act A1273	07-09-2007
446	Act A1273	07-09-2007
447	Act A1273	07-09-2007
448	Act A1273	07-09-2007
449	Act A327	31-03-1976
450	Act A327	31-03-1976
453	Act A1273	07-09-2007
454	Act A1273	07-09-2007
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456	Act A1273	07-09-2007
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467	Act A327	31-03-1976
472	Act A327	31-03-1976
474	Act A327	31-03-1976

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477	Act A327	31-03-1976
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490	F.M. Ord. 25/1957	01-07-1957
492	F.M.S. En. 41/1936	29-12-1936
494	Act A651	16-05-1986
505	L.N. (N.S.) 1/1957	01-07-1957
509	Act A727	05-05-1989

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