



LAWS OF MALAYSIA

To be applied to all [MYS] Malaysia places

PENAL CODE

As of 31 May, 2019

LAWS OF MALAYSIA

PENAL CODE

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LAWS OF MALAYSIA
PENAL CODE INTERPRETATIONS

An Act relating to criminal offences.

CHAPTER I (1)

PRELIMINARY

Short title

1. This Act may be cited as the Penal Code

Certain laws not to be affected by this Code

2. 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 (2)

GENERAL EXPLANATIONS

Definitions in the Code to be understood subject to exceptions

3. 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.

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

4. 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”

5. The pronoun “he” and its derivatives are used of any person, whether male or female.

“Number”

6. 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.

“Person”

7. The word “person” includes any company or association or body of persons, whether incorporated or not.

“Public”

8. The word “public” includes any class of the public or any community.

“Judge”

9. 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, 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.

“Court”

10. 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”

11. The words “public servant” denote a person falling under any of the descriptions hereinafter following:
 - a. every Commissioned Officer in the Malaysian Armed Forces;
 - b. every Judge;
 - c. 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 authorised by a Court to perform any of such duties;
 - d. every juryman or assessor assisting a Court or public servant;
 - e. 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;

- f. every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;
- g. 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;
- h. 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;
- i. 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”

12. 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.

“Dishonestly”

13. 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”

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

“Reason to believe”

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

“Act” and “omission”

16. 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

17. 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

18. 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

19. 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 shanking Z, partly by shooting Z. A has committed murder.

Cooperation by doing one of several acts constituting an offence

20. 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.

Illustration—A intentionally causes Z’s death, partly by beating Z, then asks for assistance from B to shank Z. Both A and B have committed murder.

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

21. 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”

22. 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.

“Offence”

23. The word “offence” denotes a thing made punishable by this Code.

“Illegal”, “unlawful” and “legally bound to do”

24. 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”

25. The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

“Life”

26. The word “life” denotes the HP (Hitpoints) of a ROBLOX character above 0, unless the contrary appears from the context.

“Death”

27. The word “death” denotes the HP (Hitpoints) of a ROBLOX character on or below 0, unless the contrary appears from the context.

“Section”

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

“Oath”

29. 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”

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

“Non-serious offence”

31. A) The words “non-serious offence” denote an offence punishable with imprisonment for a term of not more than ten years.

“Serious offence”

32. B) The words “serious offence” denote an offence punishable with imprisonment for a term of ten years or more.