



LAWS OF MALAYSIA

PENAL CODE

As of 7 June, 2019

LAWS OF MALAYSIA

PENAL CODE

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LAWS OF MALAYSIA

PENAL CODE

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 intent 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 authorised 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 one month.

“Serious offence”

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

CHAPTER III (3)

PUNISHMENTS

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

33. (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.

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

34. 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 offence 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

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

35. Whoever, having been convicted of an offence punishable with imprisonment for a term of three months 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 months or upwards, 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.

CHAPTER IV (4)

PUNISHMENTS

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

36. 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

37. 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

38. 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

39. 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

40. 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

41. 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.

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

42. 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 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.

Illustrations—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

43. 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.

Illustrations—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.

Communication made in good faith

44. 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.

Illustrations—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

45. Except murder and offences included in Chapter VI punishable with death, 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. Penal Code 49

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.

Nothing done in private defence is an offence

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

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

47. 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;

When such right extends to causing any harm other than death

48. 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.

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

49. 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 innocents who are mingled with the mob. A commits no offence if by so firing he harms any of the innocents.

CHAPTER V (5)

ABETMENT

Abetment of a thing

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

- (a) instigates 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.

Abettor

51. 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.

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

52. 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 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 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.

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

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

Illustrations—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

54. 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.

Illustrations—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

55. 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 imprisonment

56. Whoever abets the commission of an offence punishable with imprisonment for a term which may extend to three months, 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 three months, and shall also be liable to fine; and 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 one month, and shall also be liable to fine.

Abetting the commission of an offence by the public, or by more than three (3) persons

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

Illustrations—A affixes in a public place a placard, instigating a sect consisting of more than three 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

58. 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.

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

59. 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 by imprisonment for a term which may extend to three months, with imprisonment for a term which may extend to three months; 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.

Illustrations—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.

CHAPTER VA (5a)

CRIMINAL CONSPIRACY

Criminal conspiracy

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

Punishment of criminal conspiracy

61. B) (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for a term of one month 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) 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 three months or with fine or with both.

CHAPTER VI (6)

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

62. 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 imprisonment for a term of three months or permanently blacklisted, and if not blacklisted shall also be liable to fine.

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

63. A) 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 imprisonment for a term of three months and shall also be liable to fine.

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

64. B) 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 a term of three months or permanently blacklisted and shall also be liable to fine.

Abetting offences under section 64A and 64B

65. Whoever abets the commission of any of the offences punishable shall be punished with the punishment provided for the said offences.

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

66. 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 permanently blacklisted or punished

with imprisonment for a term not exceeding three months, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war

67. 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 diPertua 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 three months, and shall also be liable to fine.

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

68. 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 two months, and shall also be liable to fine.

Assaulting any public servant with intent to compel or restrain the exercise of any lawful power

69. Whoever, with the intention of inducing or compelling or attempting to induce or compel a public servant 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 two months, and shall also be liable to fine.

Activity detrimental to parliamentary democracy

70. C) Whoever, by any means, directly or indirectly, commits an activity detrimental to parliamentary democracy shall be permanently blacklisted punished with imprisonment for a term which may extend to three months.

Attempt to commit activity detrimental to parliamentary democracy

71. D) 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 one month.

Publishing of documents and publication detrimental to parliamentary democracy

72. Whoever, by any means, directly or indirectly, publicises, issues, circulates or reproduces any document or publication detrimental to parliamentary democracy shall be punished with imprisonment for a term which may extend to one month.

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 published, 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

73. (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 one month.

(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.

Dissemination of information

74. Any person who by word of mouth or in writing or in any publications 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 two weeks.

Dissemination of false reports

75. Any person who, by word of mouth or in writing or in any publications 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 two weeks.

Receipt of document and publication detrimental to parliamentary democracy

76. (1) Any person or any office bearer of any association or any responsible member or agent of any organisation 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 authorised 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 one month.

(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

77. Whoever, by any means, directly or indirectly, commits sabotage shall be punished with imprisonment for three months.

Attempt to commit sabotage

78. Whoever attempts to commit sabotage or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to one month.

Espionage

79. Whoever, by any means, directly or indirectly, commits espionage shall be permanently blacklisted or punished with imprisonment for a term of one month.

Attempt to commit espionage

80. Whoever attempts to commit espionage or does any act preparatory thereto shall be punished with imprisonment for a term which may extend to one month.

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

81. 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 permanently blacklisted, to which fine may be added; or with imprisonment for a term which may extend to three months, to which fine may be added, or with fine.

CHAPTER VIA (6a)

OFFENCES RELATING TO TERRORISM

Interpretation in relation to this Chapter

82. (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, or money; or, except by a person employed in the Government; or arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

“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;

“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,

“terrorist entity” means any entity owned or controlled by any terrorist or terrorist group and includes an association of such entities; “terrorist group” means an entity that has as one of its activities and purposes the committing of, or the facilitation of the commission of, a terrorist act;

“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;

(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;

(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 organisation 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 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 National Security Council Act 2019

(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.

Suppression of terrorist act and support for terrorist act

Committing terrorist acts

83. (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 one month but not exceeding three months, and shall also be liable to fine.

Providing devices to terrorist groups

84. 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 permanently blacklisted or imprisonment for a term not exceeding one month, and shall also be liable to fine.

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

85. 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 two months, and shall also be liable to fine.

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

86. 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 two months, and shall also be liable to fine.

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

87. 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 two months, and shall also be liable to fine.

Providing facilities in support of terrorist acts

88. Whoever being the owner of a place for the purposes of committing an offence under this Chapter, shall be punished with imprisonment for a term which may extend to two months, and shall also be liable to fine.

Directing activities of terrorist groups

89. Whoever intentionally directs the activities of a terrorist group shall be punished with imprisonment for a term of not less than one month, and shall also be liable to fine.

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

90. 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 permanently blacklisted or imprisonment for a term not exceeding one month, or with fine.

Harbouring persons committing terrorist acts

91. 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 two weeks, and shall also be liable to fine.

Member of a terrorist group

92. Whoever is a member of a terrorist group shall be punished with imprisonment which may extend to imprisonment for three months and shall also be liable to a fine.

Criminal conspiracy

93. (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

94. Whoever knowing or having reason to believe that any offence punishable in this Chapter 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 one month or with fine or with both.

Suppression of financing of terrorist acts

Providing services for terrorist purposes

95. (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 with imprisonment for a term of not less than one month but not exceeding two months, and shall also be liable to fine.

Arranging for retention or control of terrorist property

96. 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 one week, and shall also be liable to fine and to forfeiture of any property so acquired, retained or controlled.

Dealing with terrorist property

97. (1) Whoever knowingly deals, directly or indirectly, in any terrorist property shall be punished with imprisonment for a term which may extend to one month, 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

98. Whoever accepts gratification to facilitate or enable the commission of any terrorist act shall be punished with imprisonment for a term of not less than one month but not exceeding two months, and shall also be liable to fine.

Intentional omission to give information about terrorist property

99. 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 two months or with fine or with both.

CHAPTER VIB (6b)

ORGANISED CRIME

Interpretation in relation to this Chapter

100. A) In this Chapter, “organised 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 organised crime group

100. (1) Whoever is a member of an organised criminal group shall be punished with imprisonment for a term of not less than two weeks and not less than one month.
- (2) Until the contrary is proved, a person shall be presumed to be a member of an organised criminal group where—
- (a) such person can be identified as belonging to an organised criminal group; or
 - (b) such person is found with a scheduled weapon.

Assisting an organised criminal group

101. Whoever assists an organised criminal group to further the interest of that group shall be punished with imprisonment for a term which may extend to two weeks.

Harbouring member(s) of an organised crime group

102. Whoever harbours, or prevents, hinders or interferes with the arrest of a member of an organised criminal group shall be punished with imprisonment for a term which may extend to one week, and shall also be liable to fine.

Consorting with an organised crime group

103. Whoever without reasonable excuse, consorts with a member of an organised criminal group shall be punished with imprisonment for a term of not less than one week and not more than one month, and shall also be liable to fine.

Recruiting persons to be members of an organised criminal group

104. Whoever knowingly recruits, or agrees to recruit, another person to be a member of an organised criminal group shall be punished with imprisonment for a term which may extend to one month, and shall also be liable to fine.

Participation in an organised criminal group

105. Whoever participates in an organised criminal group—
- (a) knowing or having reason to believe that it is an organised 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 one month, and shall be liable to fine.

Accepting gratification to facilitate or enable organised criminal activity

106. Whoever accepts gratification to facilitate or enable any organised criminal activity shall be punished with imprisonment for a term of not less than two weeks but not exceeding three months, and shall also be liable to fine.

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

107. Any organised criminal group or a member of an organised 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.

CHAPTER VII (7)

OFFENCES AGAINST PUBLIC TRANQUILITY (PEACE)

Unlawful assembly

108. An assembly of four 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

109. A) 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

109. B) Whoever is a member of an unlawful assembly, shall be punished with imprisonment for a term which may extend to one week or with fine or with both.

Possessing weapons or missiles at unlawful assemblies

110. 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 not exceeding one week.

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

111. 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 not exceeding one week.

Force used by one member in prosecution of common object

112. 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.

Possessing weapons or missiles at riot

113. 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 of not less than one week.

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

114. 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

115. 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

116. Whoever knowingly joins or continues in any assembly of four 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 one week or with fine or with both.

Assaulting or obstructing public servant when suppressing riot, etc.

117. 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 two weeks or with fine or with both.

Wantonly giving provocation, with intent to cause riot

118. 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 week, or with fine, or with both; and if the offence of rioting is not committed, with imprisonment for a term which may extend to two weeks or with fine or with both.

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

119. 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

120. 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

121. 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

122. 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 one week or with fine or with both.

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

123. 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 108, shall be punished with imprisonment for a term which may extend to one week 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 weeks or with fine or with both.

Affray

124. When two or more persons, by fighting, in a public place, disturb the public peace, they are said to “commit an affray”. Whoever commits an affray shall be punished with imprisonment for a term which may extend to one week or with fine which may extend to one thousand ringgit or with both.

CHAPTER VIII (8)

OFFENCES BY, OR RELATING TO, PUBLIC SERVANTS

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

125. 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 one month or with fine or with both.

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.

(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

126. 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 one month.

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

127. 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 two weeks 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

128. 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 three weeks or with fine or with both.

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

129. 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 two weeks or with fine or with both.

Public servant framing an incorrect document with intent to cause injury

130. 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 one month or with fine or with both.

Personating a public servant

131. 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 one week or with fine or with both.

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

132. 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 one week or with fine which may extend to four thousand ringgit or with both.

CHAPTER IX (9)

CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

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

133. 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 three days or with fine which may extend to two thousand ringgit or with both.

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

134. 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 three days 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 one week or with fine which may extend to two thousand ringgit or with both.

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

135. 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 three weeks 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 one month or with fine which may extend to two thousand ringgit or with both.

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

136. 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 week 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 two weeks 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

137. 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 week 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 two weeks or with fine which may extend to two thousand ringgit or with both.

Furnishing false information

138. 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 one week 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 weeks or with fine or with both.

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

139. 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 a fine which may extend to two thousand ringgit.

Refusing to answer a public servant authorised to question

140. 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 two weeks or with fine which may extend to two thousand ringgit or with both.

Refusing to sign statement

141. 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 one week or with fine which may extend to one thousand ringgit or with both.

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

142. 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 two weeks, 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

143. 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 one week 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 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.

Obstructing public servant in discharge of his public functions

144. 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 one week or with fine which may extend to three thousand ringgit or with both.

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

145. 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 one week or with fine which may extend to one thousand ringgit or with both.

Disobedience to an order duly promulgated by a public servant

146. Whoever, knowing that by an order promulgated 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 week or with fine

which may extend to four hundred ringgit or with both; and if such disobedience causes or tends to cause danger to 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 three weeks 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

147. 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 three days or with fine or with both.

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

148. 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 two weeks.

CHAPTER X (10)

FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Giving false evidence

149. 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.

(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.

Fabricating false evidence

150. 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”.

Illustration—*A* has committed a crime and is legally obliged to provide chat-logs from a social media platform to the court. *A* then electronically modifies said chat-log via any platform or program. *A* has given false evidence.

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

151. 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 three months, and shall also be liable to fine.

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

152. 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 a term of imprisonment of three months, or a permanent blacklist, shall be punished as a person convicted of that offence would be liable to be punished.

Using evidence known to be false

153. 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.

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

154. 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

155. 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.

Destruction of document to prevent its production as evidence

156. 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 weeks or with fine or with both.

Dishonestly making a false claim before a Court

157. 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 one month or with fine or with both.

False charge of offence made with intent to injure

158. 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 one month or with fine or with both; and if such criminal proceeding is instituted on a false charge of an offence punishable with a permanent blacklist, or imprisonment for three months or upwards, shall be punishable with imprisonment for a term which may extend to three months, and shall also be liable to fine.

Harbouring an offender

159. 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 imprisonment, be punished with imprisonment for a term which may extend to one week, and shall also be liable to fine.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered

160. 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, shall be punished with imprisonment for a term which may extend to one month, and shall also be liable to fine.

Harbouring robbers or gang-robbers, etc.

161. 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 two weeks, and shall also be liable to fine.

“Harbour”

162. The word “harbour” includes the supplying of a person with shelter, money, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension.

Public servant in a judicial proceeding corruptly making an order, report, etc., which he knows to be contrary to law

163. 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 two weeks 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

164. 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 three weeks or with fine or with both.

Escape from confinement negligently suffered by a public servant and facilitating or enabling any terrorist act, etc.

165. 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 three weeks or with fine or with both.

Resistance or obstruction by a person to his lawful apprehension

166. 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 weeks 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

167. 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 shall be punished with imprisonment for a term which may extend to one week or with fine or with both.

Personation of a juror or assessor

168. 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 three weeks or with fine or with both.

CHAPTER XI (11)

OFFENCES AFFECTING PHYSICAL FORM

Offence Affecting Life

Culpable homicide

169. 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.

Murder

170. Except in the cases hereinafter excepted, culpable homicide is murder. Murder is committed if one causes another's HP to reach 0 —
- (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.

Illustration—A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

Culpable homicide by causing the death of a person other than the person whose death was intended

171. 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.

Causing death by negligence

172. 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 one week.

Abetment of suicide

173. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment for a term which may extend to one week.

Attempt to murder

174. 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 one week, 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 two weeks.

Illustration—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.

Attempt to commit culpable homicide

175. 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 days 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 one week 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

176. 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 three weeks.

Hurt

Hurt

177. Whoever causes bodily damage under 90 HP is considered to have committed “hurt”.

Grievous hurt

178. Whoever causes bodily damage under 50 HP is considered to have committed “grievous hurt”.

Voluntarily causing hurt

179. 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

180. 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.

Voluntarily causing hurt by dangerous weapons or means

181. Whoever, 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, 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, shall be punished with imprisonment for a term which may extend to three days and shall also be liable to fine of up to one-thousand ringgit.

Voluntarily causing grievous hurt by dangerous weapons or means

182. Whoever, 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, 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, shall be punished with imprisonment for a term which may extend to three days and shall also be liable to fine of up to three-thousand ringgit.

Voluntarily causing hurt to deter public servant from his duty

183. 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 two weeks or with fine or with both.

Voluntarily causing hurt on provocation

184. 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 three days or with fine which may extend to one thousand ringgit or with both.

Causing grievous hurt on provocation

185. 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 one week or with fine which may extend to four thousand ringgit or with both.

Causing hurt by an act which endangers life or the personal safety of others

186. 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 two weeks or with fine which may extend to five hundred ringgit or with both.

Causing grievous hurt by an act which endangers life or the personal safety of others

187. 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 weeks or with fine which may extend to two thousand ringgit or with both.

Wrongful Restraint and Wrongful Confinement

Wrongful restraint

189. 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.

Wrongful confinement

190. 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. Whoever wrongfully restrains any person shall be punished with imprisonment for a term which may extend to one day or with fine which may extend to one thousand ringgit or with both.

Criminal force

Force

191. 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.

Criminal force

192. 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.

Assault

193. 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 days 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.

Using criminal force to deter a public servant from discharge of his duty

194. 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 one week or with fine or with both.

Assault or use of criminal force to a person with intent to outrage modesty

195. 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 four days or with fine or both.

Assault or criminal force with intent to dishonour a person, otherwise than on grave provocation

196. 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 four days or with fine or both.

Assault or criminal force in attempt wrongfully to confine a person

197. 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 four days or with fine which may extend to two thousand ringgit or with both.

Assaulting or using criminal force on grave provocation

198. 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 day or with fine which may extend to four hundred ringgit or with both.

Kidnapping and Abduction

Kidnapping

199. Whoever conveys any person without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to have committed a kidnapping.

Abduction

200. Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct that person.

Kidnapping or abducting in order to murder

201. 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 imprisonment for a term which may extend to three weeks with fine.

Hostage-Taking

Hostage-taking

202. 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 organisation 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 with imprisonment for a term which may extend to one month with fine.

CHAPTER XII (12)

OFFENCES AGAINST PROPERTY

Theft

Theft

203. 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 ground.

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

Whoever commits theft shall be punished with imprisonment for a term which may extend to two weeks or with fine or both

Theft of a motor vehicle

204. (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 day and not more than five days, 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.

Robbery and Gang-Robbery

Robbery

205. (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.

Whoever commits robbery shall be punished with imprisonment for a term which may extend to one week or with fine or both.

Gang-robbery

206. 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”.

Attempt to commit robbery

207. Whoever attempts to commit robbery shall be punished with imprisonment for a term which may extend to three days.

Voluntarily causing hurt in committing robbery

208. 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 one week or with fine or both.

Gang-robbery with murder

209. 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 imprisonment for a term not less than three weeks.

Robbery when armed or with attempt to cause death or grievous hurt

210. 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 under any other section of this Code

Making preparation to commit gang-robbery

211. Whoever makes any preparation for committing gangrobbery, shall be punished with imprisonment for a term which may extend to one week.

Belonging to gang of robbers

212. 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 three days or with a fine or both.

Belonging to wandering gang of thieves

213. 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 two days or with a fine.

Assembling for the purpose of committing gang-robbery

214. 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 of one day or with a fine or both.

Criminal Breach of Trust

Criminal breach of trust

215. (1) 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”.
- (2) Whoever commits criminal breach of trust shall be punished with imprisonment for a term of not less than two weeks and shall also be liable to fine.

Criminal breach of trust by carrier, etc.

216. 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 two weeks and shall also be liable to fine.

Criminal breach of trust by clerk or servant

217. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a clerk or servant, 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 weeks and shall also be liable to fine.

Criminal breach of trust by public servant or agent

218. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term which may extend to one month and shall also be liable to fine.

Criminal Trespass

Criminal trespass

219. 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” and shall be punished with imprisonment for a term of not more than four days or with a fine or both.

CHAPTER XIII (13)

CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

Criminal intimidation

220. 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.

Concealing identity with intent to commit an offence

221. Whoever conceals the identity of himself or any person with the intent to commit a criminal offence causing injury, death or damage is said to have committed a criminal offence and shall be punished with a fine which may extend to one-thousand ringgit.

Illustration—A wears a balaclava mask in public to conceal his identity during a robbery. A has committed an offence.

Intentional insult with intent to provoke a breach of the peace

222. 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 of not more than one day or with a fine of up to three-hundred ringgit.

Word or gesture intended to insult the modesty of a person

223. 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 of not more than one day or with a fine of up to three-hundred ringgit.

CHAPTER XIV (14)

ATTEMPTS TO COMMIT OFFENCES

Committing offences punishable with imprisonment

224. 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.

CHAPTER XV (15)

TRAFFIC OFFENCES

Exceeding speed limit

225. Whoever operates a motor vehicle faster than the legally permitted speed as indicated by signage or the national legal speed limit (80 studs per second) is said to have committed an offence.

Illustration—A intentionally drives past the legal speed limit of 40 studs per second in an area indicated by signade. A has committed an offence.

Punishment for exceeding speed limit

226. Whoever exceeds a designated speed limit shall be punished with a fine of up to five hundred ringgit or a term of imprisonment not exceeding two days or with both.

Causing death by reckless or dangerous driving

227. Any person who, by the driving of a motor vehicle on a road recklessly or at a speed or in a manner which having regard to all the circumstances (including the nature, condition and size of the road, and the amount of traffic which is or might be expected to be on the road) is dangerous to the public, causes the death of any person shall be guilty of an offence and shall on conviction be punished with imprisonment for a term of one week or with fine or both.

Reckless and dangerous driving

228. Any person who drives a motor vehicle on a road recklessly or at a speed or in a manner which having regard to all the circumstances (including the nature, condition and size of the road and the amount of traffic which is or might be expected to be on the road) is dangerous to the public shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding three days and to a fine of not less than five thousand ringgit and not more than fifteen thousand ringgit and, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding one week and to a fine of not less than five-hundred ringgit.

Careless and inconsiderate driving

229. A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for another persons using the road shall be guilty of an offence

and shall on conviction be punished with a fine of not less than two-hundred fifty ringgit and not more than ten thousand ringgit.

Obstruction by vehicle on road

230. If any driver of a motor vehicle causes or permits such motor vehicle to remain at rest on any road in such a position or in such a condition or in such circumstances as to be likely to cause danger, obstruction or undue inconvenience to other users of the road or to traffic, he shall be guilty of an offence and shall on conviction be liable to a fine of not less than one thousand ringgit and not more than two-hundred ringgit or to imprisonment for a term of not more than one day or both.

Unlawful interference and importuning

231. (1) If any person, otherwise than with lawful authority or reasonable cause, takes or retains hold of, or gets into a motor vehicle while it is in motion on any road, for the purpose of being drawn or carried, he shall be guilty of an offence.
- (2) If, while a motor vehicle is on a road or in a parking place, any person otherwise than with lawful authority or reasonable cause gets onto or moves the motor vehicle, or releases or tampers with any brake or other part of its mechanism, he shall be guilty of an offence.
- (3) If any person, otherwise than with lawful authority, remains on any road or at any parking place for the purpose of importuning any other person in respect of the watching or cleaning of a motor vehicle, or for the purpose of directing any driver of a motor vehicle in respect of parking on such road or at such place, he shall be guilty of an offence.

Driving a motor vehicle on areas prohibited by signage

232. Whoever drives a motor vehicle on prohibited areas according to signage shall be liable to a fine of not less than two-hundred fifty ringgit.

Driving a motor vehicle on pedestrian precincts

233. Whoever drives a motor vehicle on pedestrian precincts such as pavements shall be liable to a fine of not less than three-hundred and fifty ringgit.

Taking a motor vehicle without consent of registered owner

234. Whoever takes, operates or causes a motor vehicle to be taken, used or operated for his her own profit, use or purpose without the consent of the owner, is said to have committed a criminal offence and shall be punished with imprisonment of not more than one day and shall also be liable to a fine of not less than one-thousand ringgit.

