

(b) *A* begins to unloose the muzzle of a ferocious dog intending or knowing it to be likely that he may thereby cause *Z* to believe that he is about to cause the dog to attack *Z*: *A* has committed an assault upon *Z*.

(c) *A* takes up a stick, saying to *Z*, "I will give you a beating." Here though the words used by *A* could in no case amount to an assault, and though the mere gesture unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

**352.** Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty dollars, or with both.

Punishment for assault or criminal force otherwise than on grave provocation.

*Explanation.*—Grave and sudden provocation will not mitigate the punishment of an offence under this section if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence; or 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.

**353.** Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done, or attempted to be done, by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force to deter public servant from discharge of his duty.

**354.** Whoever assaults or uses criminal force to any person, intending to outrage, or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force to person with intent to outrage modesty.

**355.** Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either

Assault or criminal force with intent to dishonour person,

otherwise than on grave provocation.

description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person.

**356.** Whoever assaults or uses criminal force to any person, in attempting to commit theft of any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt wrongfully to confine a person.

**357.** Whoever assaults or uses criminal force to any person in attempting wrongfully to confine that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred dollars, or with both.

Assault or criminal force on grave provocation.

**358.** Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred dollars, or with both.

*Kidnapping, Abduction, Slavery, and Forced Labour.*

Kidnapping.

**359.** Kidnapping is of two kinds—kidnapping from the State, and kidnapping from lawful guardianship.

Kidnapping from the State.

**360.** Whoever conveys any person beyond the limits of the State without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from the State.

Kidnapping from lawful guardianship.

**361.** Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

*Explanation.*—The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

*Exception.*—This section does not extend to the act of any person who in good faith believes himself to be the father of an



illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

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

**363.** Whoever kidnaps any person from the State or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Punishment for kidnapping.

**364.** Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with rigorous imprisonment for a term which may extend to fifteen years, and shall also be liable to fine. Kidnapping or abducting in order to murder.

*Illustrations.*

(a) *A* kidnaps *Z* from the State intending or knowing it to be likely that *Z* may be sacrificed to an idol: *A* has committed the offence defined in this section.

(b) *A* forcibly carries or entices *B* away from his home in order that *B* may be murdered: *A* has committed the offence defined in this section.

**365.** Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Kidnapping or abducting with intent secretly and wrongfully to confine person.

**366.** Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Kidnapping or abducting woman to compel her marriage, etc.

**366A.** Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any Procurator of minor girl.

place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Importation  
of girl from  
foreign  
country.

**366B.** Whoever imports into the State from any country outside the State any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Kidnapping  
or abducting  
in order to  
subject  
person to  
grievous  
hurt,  
slavery, etc.

**367.** Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Wrongfully  
concealing or  
keeping in  
confinement  
kidnapped or  
abducted  
person.

**368.** Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

Kidnapping  
or abducting  
child under  
ten years  
with intent  
to steal from  
its person.

**369.** Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or  
disposing of  
any person  
as a slave.

**370.** Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.



**371.** Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Habitual dealing in slaves.

**372.** Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Selling minor for purposes of prostitution, etc.

*Explanation 1.*—When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

*Explanation 2.*—For the purpose of this section “illicit intercourse” means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognized by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

**373.** Whoever buys, hires, or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Buying minor for purposes of prostitution.

*Explanation 1.*—Any prostitute, or any person keeping or managing a brothel, who buys, hires, or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

*Explanation 2.*—“Illicit intercourse” has the same meaning as in section 372.

Importing  
for purposes  
of prostitu-  
tion, etc.

**373A.** Whoever, by any false pretence, false representation, or fraudulent or deceitful means, brings, or assists in bringing, into the State any woman with intent that such woman may be employed or used for the purpose of prostitution; and whoever brings, or assists in bringing, into the State any woman with intent that such woman may be sold or bought for the purpose of prostitution; and whoever sells or buys any woman for the purpose of prostitution, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Unlawful  
compulsory  
labour.

**374.** Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

*Rape, Unnatural Offences, Incest.*

Rape.

**375.** A man is said to commit "rape," who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:—

- (i) against her will;
- (ii) without her consent;
- (iii) with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
- (iv) with her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is, or believes herself to be, lawfully married;
- (v) with or without her consent when she is under twelve years of age.

*Explanation.*—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

*Exception.*—Sexual intercourse by a man with his own wife, the wife not being under twelve years of age, is not rape.

Punishment  
for rape.

**376.** Whoever commits rape shall be punished with imprisonment of either description for a term which may extend to fifteen years and shall also be liable to fine and whipping.



377. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Unnatural offences.

*Explanation.*—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

377A. Whoever—

Incest.

(a) being a male has sexual intercourse with a female who to his knowledge is his grandmother, granddaughter, daughter, sister, half-sister, or mother; or

(b) being a female has sexual intercourse with a male who to her knowledge is her grandfather, grandson, son, brother, half-brother, or father;

is said to commit incest and shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

*Explanation.*—It is immaterial whether the relationship between the persons charged is or is not traced through lawful wedlock.

(2) This section shall not apply to Malays and other races indigenous to the State who by their own law or custom are punishable for having sexual intercourse within prohibited degrees of relationship.

## Chapter XVII.

### OFFENCES AGAINST PROPERTY.

#### *Theft.*

378. Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Theft.

*Explanation 1.*—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

*Explanation 2.*—A moving effected by the same act which effects the severance, may be a theft.

*Explanation 3.*—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

*Explanation 4.*—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

*Explanation 5.*—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority, either express or implied.

*Illustrations.*

(a) *A* cuts down a tree on *Z*'s ground, with the intention of dishonestly taking the tree out of *Z*'s possession, without *Z*'s consent: Here, as soon as *A* has severed the tree in order to such taking, he has committed theft.

(b) *A* puts a bait for dogs in his pocket, and thus induces *Z*'s dog to follow it: Here, if *A*'s intention be dishonestly to take the dog out of *Z*'s possession without *Z*'s consent, *A* has committed theft as soon as *Z*'s dog has begun to follow *A*.

(c) *A* meets a bullock carrying a box of treasure. He drives the bullock in a certain direction in order that he may dishonestly take the treasure: As soon as the bullock begins to move, *A* has committed theft of the treasure.

(d) *A*, being *Z*'s servant, and entrusted by *Z* with the care of *Z*'s plate, dishonestly runs away with the plate without *Z*'s consent: *A* has committed theft.

(e) *Z*, going on a journey, entrusts his plate to *A*, the keeper of a warehouse, till *Z* shall return. *A* carries the plate to a goldsmith, and sells it: Here the plate was not in *Z*'s possession. It could not therefore be taken out of *Z*'s possession, and *A* has not committed theft, though he may have committed criminal breach of trust.

(f) *A* finds a ring belonging to *Z* on a table in the house which *Z* occupies: Here the ring is in *Z*'s possession, and, if *A* dishonestly removes it, *A* commits theft.

(g) *A* finds a ring lying on the high road, not in the possession of any person: *A*, by taking it commits no theft, though he may commit criminal misappropriation of property.

(h) *A* sees a ring belonging to *Z* lying on a table in *Z*'s house. Not venturing to misappropriate the ring immediately for fear of search and detection, *A* hides the ring in a place where it is highly improbable that it will ever be found by *Z* with the intention of taking the ring from the hiding place, and selling it when the loss is forgotten: Here *A*, at the time of first moving the ring, commits theft.

(i) *A* delivers his watch to *Z*, a jeweller, to be regulated. *Z* carries it to his shop. *A*, not owing the jeweller any debt for which the



jeweller might lawfully detain the watch as a security enters the shop openly, takes his watch by force out of *Z*'s hand, and carries it away: Here *A*, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(*j*) If *A* owes money to *Z* for repairing the watch, and if *Z* retains the watch lawfully as a security for the debt and *A* takes the watch out of *Z*'s possession with the intention of depriving *Z* of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(*k*) Again, if *A*, having pawned his watch to *Z*, takes it out of *Z*'s possession without *Z*'s consent, not having paid what he borrowed on the watch, he commits theft though the watch is his own property inasmuch as he takes it dishonestly.

(*l*) *A* takes an article belonging to *Z* out of *Z*'s possession, without *Z*'s consent, with the intention of keeping it until he obtains money from *Z* as a reward for its restoration: Here *A* takes dishonestly. *A* has therefore committed theft.

(*m*) *A*, being on friendly terms with *Z*, goes into *Z*'s library in *Z*'s absence, and takes away a book without *Z*'s express consent, for the purpose merely of reading it and with the intention of returning it: Here it is probable that *A* has conceived that he had *Z*'s implied consent to use *Z*'s book. If this was *A*'s impression, *A* has not committed theft.

(*n*) *A* asks charity from *Z*'s wife. She gives *A* money, food and clothes, which *A* knows belong to *Z* her husband: Here it is probable that *A* may conceive that *Z*'s wife is authorized to give away alms. If this was *A*'s impression, *A* has not committed theft.

(*o*) *A* is the paramour of *Z*'s wife. She gives *A* valuable property, which *A* knows to belong to her husband *Z*, and to be such property as she has not authority from *Z* to give. If *A* takes the property dishonestly, he commits theft.

(*p*) *A*, in good faith, believing property belonging to *Z* to be *A*'s own property, takes that property out of *Z*'s possession. Here, as *A* does not take dishonestly, he does not commit theft.

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

**380.** Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years. Theft in dwelling-house, etc.

Theft by clerk or servant of property in possession of master.

**381.** Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.

**382.** Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

*Illustrations.*

(a) *A* commits theft of property in *Z*'s possession; and while committing the theft he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting *Z* in case *Z* should resist. *A* has committed the offence defined in this section.

(b) *A* picks *Z*'s pocket, having posted several of his companions near him in order that they may restrain *Z* if *Z* should perceive what is passing, and should resist, or should attempt to apprehend *A*. *A* has committed the offence defined in this section.

*Extortion.*

Extortion.

**383.** Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed, which may be converted into a valuable security, commits "extortion."

*Illustrations.*

(a) *A* threatens to publish a defamatory libel concerning *Z* unless *Z* gives him money. He thus induces *Z* to give him money: *A* has committed extortion.

(b) *A* threatens *Z* that he will keep *Z*'s child in wrongful confinement unless *Z* will sign and deliver to *A* a promissory note binding *Z* to pay certain moneys to *A*. *Z* signs and delivers the note: *A* has committed extortion.



(c) *A* threatens to send men to plough up *Z*'s field unless *Z* will sign and deliver to *B* a bond binding *Z* under a penalty to delivery certain produce to *B*, and thereby induces *Z* to sign and deliver the bond: *A* has committed extortion.

(d) *A*, by putting *Z* in fear of grievous hurt dishonestly induces *Z* to sign or affix his seal to a blank paper, and deliver it to *A*. *Z* signs and delivers the paper to *A*: Here, as the paper so signed may be converted into a valuable security, *A* has committed extortion.

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

**385.** Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Putting person in fear of injury in order to commit extortion.

**386.** Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Extortion by putting a person in fear of death or grievous hurt.

**387.** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Putting person in fear of death or of grievous hurt, in order to commit extortion.

**388.** Whoever commits extortion by putting any person in fear of an accusation against that person or any other of having committed, or attempted to commit, any offence punishable with death, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be one punishable under section 377 of this Code, the imprisonment may extend to fifteen years. Extortion by threat of accusation of an offence punishable with death or imprisonment, etc.

Putting  
person in  
fear of  
accusation of  
offence, in  
order to  
commit  
extortion.

**389.** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other person of having committed, or attempted to commit, an offence punishable with death, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine; and, if the offence be punishable under section 377 of this Code, the imprisonment may extend to fifteen years.

*Robbery and Gang-Robbery.*

Robbery.

**390.** (1) In all robbery there is either theft or extortion.

(2) Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away, or attempting to carry away, property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death, or of instant hurt, or of instant wrongful restraint.

(3) Extortion is "robbery," if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

*Explanation.*—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

*Illustrations.*

(a) *A* holds *Z* down, and fraudulently takes *Z*'s money and jewels from *Z*'s clothes, without *Z*'s consent. Here *A* has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to *Z*. *A* has therefore committed robbery.

(b) *A* meets *Z* on the high road, shows a pistol and demands *Z*'s purse. *Z*, in consequence, surrenders his purse: Here *A* has extorted the purse from *Z* by putting him in fear of instant hurt, and being, at the time of committing the extortion, in his presence. *A* has therefore committed robbery.



(c) *A* meets *Z* and *Z*'s child on the high road. *A* takes the child, and threatens to fling it down a precipice unless *Z* delivers his purse. *Z*, in consequence, delivers his purse: Here *A* has extorted the purse from *Z* by causing *Z* to be in fear of instant hurt to the child who is there present: *A* has therefore committed robbery on *Z*.

(d) *A* obtains property from *Z* by saying "Your child is in the hands of my gang, and will be put to death unless you send us ten thousand dollars." This is extortion, and punishable as such; but it is not robbery unless *Z* is put in fear of the instant death of his child.

**391.** When five 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 persons present and aiding such commission or attempt amount to five or more, every person so committing, attempting, or aiding is said to commit "gang-robbery." Gang-robbery.

**392.** Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine and whipping; and, if the robbery be committed between sunset and sunrise, the imprisonment may extend to fifteen years. Punishment for robbery.

**393.** Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine and whipping. Attempt to commit robbery.

**394.** If any person, in committing, or in attempting to commit robbery, voluntarily causes hurt, such person and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with rigorous imprisonment for a term which may extend to fifteen years, and shall also be liable to fine and whipping. Voluntarily causing hurt in committing robbery.

**395.** Whoever commits gang-robbery shall be punished with rigorous imprisonment for a term which may extend to fifteen years, and shall also be liable to fine and whipping. Punishment for gang-robbery.

**396.** If any one of five or more persons, who are conjointly committing gang-robbery commits murder in so committing gang-robbery, every one of those persons shall be punished with death. Gang-robbery, with murder.

Robbery  
or gang-  
robbery, with  
attempt to  
cause death  
or grievous  
hurt.

**397.** If, at the time of committing or attempting to commit robbery or gang-robbery, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Robbery  
or gang-  
robbery  
when armed  
with deadly  
weapon.

**398.** If, at the time of committing or attempting to commit robbery or gang-robbery, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Making  
preparation  
to commit  
gang-  
robbery.

**399.** Whoever makes any preparation for committing gang-robbery, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Punishment  
for belonging  
to a gang of  
robbers.

**400.** Whoever belongs to a gang of persons associated for the purpose of habitually committing gang-robbery, shall be punished with rigorous imprisonment for a term which may extend to fifteen years, and shall also be liable to fine.

Punishment  
for belonging  
to gang of  
thieves.

**401.** Whoever belongs to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being a gang-robber, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Assembling  
for purpose  
of commit-  
ting gang-  
robbery.

**402.** Whoever is one of five or more persons assembled for the purpose of committing gang-robbery, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

#### *Criminal Misappropriation of Property*

Dishonest  
misappro-  
priation of  
property.

**403.** Whoever dishonestly misappropriates or converts to his own use any movable property shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



*Illustrations.*

(a) *A* takes property belonging to *Z* out of *Z*'s possession, in good faith believing, at the time when he takes it, that the property belongs to himself: *A* is not guilty of theft; but if *A*, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) *A*, being on friendly terms with *Z*, goes into *Z*'s library in *Z*'s absence, and takes away a book without *Z*'s express consent: Here if *A* was under the impression that he had *Z*'s implied consent to take the book for the purpose of reading it; *A* has not committed theft. But if *A* afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) *A* finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. *A* knows that this person can direct him to the person in whose favour the cheque was drawn. *A* appropriates the cheque without attempting to discover the owner: He is guilty of an offence under this section.

(d) *A* sees *Z* drop his purse with money in it. *A* picks up the purse with the intention of restoring it to *Z*, but afterwards appropriates it to his own use: *A* has committed an offence under this section.

(e) *A* finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to *Z*, and appropriates it to his own use: *A* is guilty of an offence under this section.

(f) *A* finds a valuable ring not knowing to whom it belongs. *A* sells it immediately without attempting to discover the owner: *A* is guilty of an offence under this section.

**404.** Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and, if the offender, at the time of such person's decease, was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Dishonest misappropriation of property possessed by deceased person at the time of his death.

*Illustration.*

*Z* dies in possession of furniture and money. His servant *A*, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it: *A* has committed the offence defined in this section.

*Criminal Breach of Trust.*

Criminal  
breach of  
trust.

405. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

*Illustrations.*

(a) *A*, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. *A* has committed criminal breach of trust.

(b) *A* is a warehouse-keeper. *Z*, going on a journey, entrusts his furniture to *A*, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. *A* dishonestly sells the goods. *A* has committed criminal breach of trust.

(c) *A*, residing in Brunei, is agent for *Z*, residing at Kuala Belait. There is an express or implied contract between *A* and *Z*, that all sums remitted by *Z* to *A* shall be invested by *A* according to *Z*'s direction. *Z* remits \$10,000 to *A*, with directions to invest the same in land. *A* dishonestly disobeys the directions, and employs the money in his own business. *A* has committed criminal breach of trust.

(d) But if *A*, in the last illustration, not dishonestly, but in good faith, believing that it will be more for *Z*'s advantage to hold in a local company, disobeys *Z*'s directions, and buys shares in the local company for *Z*, instead of buying land, here, though *Z* should suffer loss, and should be entitled to bring a civil action against *A* on account of that loss, yet *A*, not having acted dishonestly, has not committed criminal breach of trust.

(e) *A*, a Magistrate or a clerk in a Government Office, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. *A* dishonestly appropriates the money. *A* has committed criminal breach of trust.

(f) *A*, a carrier, is entrusted by *Z* with property to be carried by land or by water. *A* dishonestly misappropriates the property. *A* has committed criminal breach of trust.



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

Punishment for criminal breach of trust.

407. Whoever, being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by carrier, etc.

408. Whoever, being a clerk or servant, or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by clerk or servant.

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

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

*Receiving of Stolen Property.*

410. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated, or in respect of which criminal breach of trust has been committed, is designated as "stolen property" whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without the State. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Stolen property.

411. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment

Dishonestly receiving stolen property.

of either description for a term which may extend to three years, or with fine, or with both.

Dishonestly receiving property stolen in the commission of a gang-robbery.

**412.** Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of gang-robbery, or dishonestly receives from a person whom he knows or has reason to believe to belong, or to have belonged, to a gang of robbers, property which he knows or has reason to believe to have been stolen, shall be punished with rigorous imprisonment for a term which may extend to fifteen years, and shall also be liable to fine.

Habitually dealing in stolen property.

**413.** Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Assisting in concealment of stolen property.

**414.** Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

### *Cheating.*

Cheating.

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

*Explanation.*—A dishonest concealment of facts is a deception within the meaning of this section.

### *Illustrations.*

(a) *A*, by falsely pretending to be in the Civil Service, intentionally deceives *Z*, and thus dishonestly induces *Z* to let him have on credit goods for which he does not mean to pay. *A* cheats.



(b) *A*, by putting a counterfeit mark on an article, intentionally deceives *Z* into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(c) *A*, by exhibiting to *Z* a false sample of an article, intentionally deceives *Z* into believing that the article corresponds with the sample, and thereby dishonestly induces *Z* to buy and pay for the article. *A* cheats.

(d) *A*, by tendering in payment for an article a bill on a house with which *A* keeps no money, and by which *A* expects that the bill will be dishonoured, intentionally deceives *Z*, and thereby dishonestly induces *Z* to deliver the article, intending not to pay for it. *A* cheats.

(e) *A*, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives *Z*, and thereby dishonestly induces *Z* to lend money. *A* cheats.

(f) *A* intentionally deceives *Z* into a belief that *A* means to repay any money that *Z* may lend to him, and thereby dishonestly induces *Z* to lend him money, *A* not intending to repay it. *A* cheats.

(g) *A* intentionally deceives *Z* into a belief that *A* means to deliver to *Z* a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces *Z* to advance money upon the faith of such delivery. *A* cheats; but if *A*, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) *A* intentionally deceives *Z* into a belief that *A* has performed *A*'s part of a contract made with *Z*, which he has not performed, and thereby dishonestly induces *Z* to pay money. *A* cheats.

(i) *A* sells and conveys an estate to *B*. *A*, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to *Z*, without disclosing the fact of the previous sale and conveyance to *B*, and receives the purchase or mortgage money from *Z*. *A* cheats.

**416.** A person is said to "cheat by personation," if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Cheating by personation.

*Explanation.*—The offence is committed whether the individual personated is a real or imaginary person.

*Illustrations.*

(a) *A* cheats by pretending to be a certain rich banker of the same name. *A* cheats by personation.

(b) *A* cheats by pretending to be *B*, a person who is deceased. *A* cheats by personation.

Punishment  
for cheating.

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

Cheating  
with know-  
ledge that  
wrongful loss  
may ensue to  
person whose  
interest  
offender is  
bound to  
protect.

418. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates he was bound, either by law or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.

Punishment  
for cheating  
by persona-  
tion.

419. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Cheating and  
dishonestly  
inducing  
delivery  
of property.

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

*Fraudulent Deeds and Dispositions of Property.*

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

421. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or  
fraudulently  
preventing  
debt being  
available for  
creditors.

422. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



423. Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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

424. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property.

*Mischief.*

425. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public, or to any person, causes the destruction of any property, or any such change in any property, or in the situation thereof, as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief."

Mischief.

*Explanation 1.*—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

*Explanation 2.*—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

*Illustrations.*

(a) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) *A* voluntarily throws into a river a ring belonging to *Z*, with the intention of thereby causing wrongful loss to *Z*. *A* has committed mischief.

(d) *A*, knowing that his effects are about to be taken in execution in order to satisfy a debt from him to *Z*, destroys those effects, with the intention of thereby preventing *Z* from obtaining satisfaction of the debt, and thus causing damage to *Z*. *A* has committed mischief.

(e) *A*, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. *A* has committed mischief.

(f) *A* causes a ship to be cast away, intending thereby to cause damage to *Z*, who has lent money on bottomry on the ship. *A* has committed mischief.

(g) *A*, having joint property with *Z* in a horse, shoots the horse, intending thereby to cause wrongful loss to *Z*. *A* has committed mischief.

(h) *A* causes cattle to enter upon a field belonging to *Z*, intending to cause, and knowing that he is likely to cause, damage to *Z*'s crop. *A* has committed mischief.

Punishment  
for  
mischief.

**426.** Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Mischief  
causing  
damage to  
the amount  
of twenty-  
five dollars.

**427.** Whoever commits mischief, and thereby causes loss or damage to the amount of twenty-five dollars or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by  
killing or  
maiming  
animal of  
the value of  
five dollars.

**428.** Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of five dollars or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by  
killing or  
maiming  
cattle, etc.,  
of any value  
or any  
animal to the  
value of  
twenty-five  
dollars.

**429.** Whoever commits mischief by killing, poisoning, maiming or rendering useless any horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of twenty-five dollars or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.



**430.** Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings, or for animals which are property, or for cleanliness, or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

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

**431.** Whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, river, channel.

**432.** Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

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

**433.** Whoever commits mischief by destroying or moving any lighthouse or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such lighthouse, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Mischief by destroying, moving or rendering less useful a lighthouse or sea-mark.

**434.** Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by destroying or moving, etc., a land-mark fixed by public authority.

**435.** Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the

Mischief by fire or explosive substance with intent

to cause damage to amount of fifty dollars or (in case of agricultural produce) five dollars.

amount of fifty dollars or upwards or (where the property is agricultural produce) five dollars or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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

**436.** Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling, or as a place for the custody of property, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

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

**437.** Whoever commits mischief to any decked vessel, or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for the mischief described in section 437 committed by fire or explosive substance.

**438.** Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in the last preceding section, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

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

**439.** Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein, or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt.

**440.** Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.