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*J. Maslow*

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# CRIMINAL CODE ORDINANCE

No. 74 of 1936.

(as in force on 1st December, 1947)

CONSOLIDATED EDITION

with

REFERENCES TO CASES DECIDED

by

THE SUPREME COURT AND DISTRICT COURTS  
OF PALESTINE

by

JACOB V. LEON

ADVOCATE



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JERUSALEM 1947

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P R E F A C E.

*The following pages contain a consolidated edition of the Criminal Code Ordinance, 1936, as in force on 1st December, 1947.*

*References are given in foot-notes, of judgments decided by the Supreme Court sitting as a Court of Criminal Appeal as reported in the Palestine Law Reports, Annotated Law Reports and the Current Law Reports as well as of Criminal Cases and Appeals decided by the District Courts of Palestine as reported in the Selected Cases District Courts Reports.*

*Whenever an amendment of the original text has been made, date and page of the Gazette in which such amendment has been published is indicated in the margin, the number of the page relating to Supplement No. 1 of the Gazette.*

*I am indebted to the Government of Palestine for permission to reproduce the text of the legislation, which it has granted to me without prejudice to its rights therein.*

*It is hoped that this consolidated and annotated edition will be of assistance to the legal practitioner and to the student of law.*

J.V.L.

*Jerusalem,  
December, 1947.*

## LIST OF ABBREVIATIONS.

P.L.R.	=	Palestine Law Reports.
Ct.L.R.	=	Current Law Reports.
A.L.R.	=	Annotated Law Reports.
S.C.D.C.	=	Selected Cases District Court.
Cr.A.D.C.	=	Criminal Appeal District Court.
C.A.D.C.	=	Civil Appeal District Court.
Cr.C.	=	Criminal Case.
C.C.	=	Civil Case.
L.A.	=	Leave to Appeal.



CRIMINAL CODE ORDINANCE,

No. 74 of 1936.

(14th December, 1936.)

<i>Ordinances.</i>
No. 37 of 1937.
No. 59 of 1939.
No. 21 of 1944.
No. 41 of 1944.
No. 42 of 1944.
No. 30 of 1945.
No. 57 of 1946.
No. 1 of 1947.

AN ORDINANCE TO PROVIDE A GENERAL PENAL CODE FOR PALESTINE.

BE IT ENACTED by the Commissioner for Palestine, with the advice of the Advisory Council thereof:—

PART I.

*General Provisions.*

CHAPTER I.

*Preliminary.*

1. This Ordinance may be cited as the Criminal Code Ordinance, 1936, and hereinafter is referred to as "this Code".

Short title.

2. From and after the commencement of this Code, the Ottoman Penal Code shall cease to be in force in Palestine. Any reference to any provision in the Ottoman Penal Code in any Ordinance in force at the time of such commencement shall, so far as is consistent with its context, be deemed to be a reference to the corresponding provision in this Code.

Operation of Code in lieu of the Ottoman Penal Code.

3. The provisions of this Code shall be without prejudice to—

Saving of Certain matters Gaz. 20.11.46 p. 229.

(a) the liability of any person to be tried and punished for any offence against any law other than this Code; or

(b) the liability of any person to be tried and punished for an offence under the provisions of any law relating to the jurisdiction of the Palestine courts in respect of acts done beyond the ordinary jurisdiction of such courts; or

(c) the power of any court to punish a person for contempt of such court; or

(d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed in respect of any act done or commenced before the commencement of this Code; or

(e) any power of the High Commissioner to grant a pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or

(f) any of the Statutes, Ordinances, regulations, or articles for the time being in force for the government of His Majesty's Military Forces, or the Police Forces of Palestine.

CHAPTER II.

*Interpretation.*

4. This Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context and except as may

General rule of construction of Code.

Section 4: Cr.A. 95/46, 1946 A.L.R. 562; 13 P.L.R. 437.  
Cr.A.D.C., Ha. 67/44, 1944 S.O.D.O. 515.  
" " " 65/45, 1945 S.O.D.O. 359.

be otherwise expressly provided, to be used with the meaning attaching to them in English law and shall be construed in accordance therewith.

Definition of  
certain expres-  
sions and terms.

5. In this Code, unless the context otherwise indicates :—

“Contravention” means any offence punishable with imprisonment for not more than a week or, if with fine only, with a fine not exceeding five pounds.

“Court” means a court of competent jurisdiction.

“Dwelling house” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, and it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied or used for any purpose with a dwelling house is deemed to be part of the dwelling house if there is a communication between such building or structure and the dwelling house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise.

“Dangerous harm” means harm endangering life.

“Felony” means an offence which is punishable, without proof of previous conviction, with death, or with imprisonment for more than three years.

“Grievous harm” means any harm which amounts to dangerous harm, or seriously or permanently injures health or comfort, or which is likely so to injure health or comfort, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense.

“Harm” means any bodily hurt, disease or disorder, whether permanent or temporary.

“Import” includes —

(a) to bring into Palestine, and

(b) to bring within the inland waters of Palestine whether or not the thing imported is brought ashore or whether or not there is an intention to bring the same ashore.

“Judicial proceedings” includes any proceeding had or taken in or before any court, tribunal, commission of enquiry or person in which or before whom evidence may be taken on oath, whether such court, tribunal, commission of enquiry or person takes evidence on oath or not.

“Knowingly”, used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used.

“Law” includes such Acts of the Imperial Parliament and Orders of His Majesty in Council as have been or may hereafter be applied to Palestine, and orders, proclamations, by-laws, rules and regulations made under any such Act or Order, Ordinances, and all Orders of the High Commissioner in Council, orders, proclamations, by-laws, rules and regulations made under any Ordinance.

“Military Forces” includes His Majesty’s Naval, Military and Air Forces.

Gaz: 28.12.39,  
p. 181.

Section 5:

“Contravention”: L.A. Nos. 129/43 and 130/43. Ja., 1944 S.O.D.O. 262.



“Misdemeanour” means any offence which is not a felony or a contravention.

“Money” includes currency notes, bank notes, bank drafts, cheques and any other orders, warrants, or requests for the payment of money.

“Municipal authority” means a municipal corporation, local council, or other body duly authorised by law to exercise municipal authority and government.

“Night” or “night-time” means the interval between half past six o'clock in the evening and half past six o'clock in the morning.

“Offence” is an act, attempt or omission punishable by law.

“Person” and “owner” and other like terms, when used with reference to property, include corporations of all kinds, and any other association of persons capable of owning property, and also when so used include His Majesty.

“Person employed in the public service” or “public servant” means any person holding any of the following offices or performing the duty thereof, whether as deputy or otherwise, namely:—

Gaz: 28.12.44,  
p. 172.

- (a) any civil office including the office of High Commissioner, the power of appointing a person to which or of removing from which is vested in His Majesty, or in the High Commissioner or in the High Commissioner in Council or in any public commission or board; or
- (b) any office to which a person is appointed or nominated by law; or
- (c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind, included in either of the two last preceding sub-heads of this section; or
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any law; and the said term further includes:—
  - (i) a member of a commission of enquiry appointed under or in pursuance of any law;
  - (ii) any person employed to execute any process of a court;
  - (iii) all persons belonging to the Military Forces or to the Police Forces of Palestine;
  - (iv) all persons in the employment of any Government Department;
  - (v) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;
  - (vi) a person in the employ of a municipal authority;
  - (vii) the mukhtar for the time being of any village.

Section 5:

“Offence”: Cr.A. 1/41, 8 P.L.R. 39.

“Possession” :—

(a) “To be in possession of” or “to have in his possession” includes not only having a thing in one’s own control and custody, but also having control of a thing in the custody of another person or having control of a thing in any place whether belonging to or occupied by oneself or not.

(b) If there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them.

“Property” includes everything animate or inanimate capable of being the subject of ownership.

“Public” refers not only to all persons within Palestine, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used.

“Public way” includes any highway, market-place, square, street, bridge or other way which is lawfully used by the public.

“Public place” or “public premises” includes any public way and building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting, or assembly or as an open court.

“Publication” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication.

“Publicly” when applied to acts done means either :—

- (a) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place; or
- (b) that they are so done in any place not being a public place as to be likely to be seen by a person in a public place.

“Publish” :—

(a) in the case of spoken words, means to utter words or reproduce words by mechanical means at a public gathering, or in a public street or any other place to which the public has access, or in such a way that they may be heard by persons in any such street or place;

(b) in the case of writings, drawings, pictures, photographs or images, means to distribute them to a number of persons, or exhibit them in such a way that they may be seen by persons in a public street or in any other place to which the public has access, or to sell or expose or offer them for sale in any place.

“Utter” means and includes using or dealing with and attempting

Gaz : 28.12.38,  
p. 181.

Section 5 :

“Possession” : Cr. A.D.C., T.A. 118/44, 1945 S.C.D.O. 242.



to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question.

“Valuable security” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property.

“Wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

CHAPTER III.

*Territorial Application of Code.*

6. The jurisdiction of the courts of Palestine for the purposes of this Code extends to every place within Palestine or within three nautical miles of the coast thereof measured from low water mark.

Extent of the jurisdiction of the courts.

7. When an act which, if wholly done within the jurisdiction of the court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or makes any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

Offences committed partly within and partly beyond the jurisdiction.

CHAPTER IV.

*General Rules as to Criminal Responsibility.*

8. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

Ignorance of law.

9. A person under the age of nine years is not criminally responsible for any act or omission.

Immature age.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

10. A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud or injure.

Bona fide claims of right.

11.—(1) Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Intention; motive,

(2) Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or in part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

(3) Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

Mistake of fact.

12.—(1) A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

(2) The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

Presumption of sanity.

13. Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

Insanity.

14. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission. But a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

Intoxication.

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

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

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

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

(3) Where the defence under the preceding sub-section is established, then in a case falling under paragraph (a) thereof the accused person shall be discharged, and in a case falling under paragraph (b) the provisions of section 14 of this Code shall apply.

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

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

Protection of judicial officers.

16. Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

Section 12(1): Cr. A.D.C., Jm. 45/46, 1946 S.C.D.O. 809.

Section 14: Cr.A. 8/40, 7 Ct. L.R. 41.

" " 6/42, 12 Ct. L.R. 30

" " 199/42, 10 P.L.R. 1; 1943 A.L.R. 3.

Cr. C. Ha. 196/44, 1944 S.C.D.O. 623.



17. Except murder and offences against the state punishable with death, no act 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 or grievous harm to that person will otherwise be the consequence :

Constraint.

Provided that the person doing the act did not, of his own accord, place himself in the situation by which he became subject to such constraint.

18. An act or omission which would otherwise be an offence may be excused if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed would have inflicted grievous harm or injury to his person or to his honour or his property or to the person or honour of others whom he was bound to protect or to property placed in his charge :

Necessity.

Provided that in so acting he did no more than was reasonably necessary for that purpose, and that the harm inflicted by the act or omission was not disproportionate to the harm avoided.

19. A person is not criminally responsible for an act or omission if he does or omits to do the act under any of the following circumstances, that is to say :—

Justification.

(a) in execution of the law;

(b) in obedience to the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful.

Whether an order is or is not manifestly unlawful is a question of law.

20. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband.

Compulsion by husband.

21. A person cannot be twice criminally responsible either under the provisions of this Code or under the provisions of any other law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

Person not to be twice criminally responsible for same offence.

## CHAPTER V.

### *Parties to Offences.*

22. For the purpose of this chapter "offence" shall not include a contravention.

Definition.

Section 18: Cr.A. 173/44, 1945 A.L.R. 366; 12 P.L.R. 7.

Section 19(a): Cr.A. 21/45, 12 P.L.R. 177.

Section 19(b): Cr.A. 38/44, 11 P.L.R. 140; 1944 A.L.R. 173.

Section 21: Cr.A. 65/37, 1 Ot. L.R. 138.

" " 179/42, 9 P.L.R. 782.

" " 100/43, 10 P.L.R. 492; 1943 A.L.R. 648.

" " 168/43, 11 P.L.R. 52; 1944 A.L.R. 276.

" " 2/47, 1947 A.L.R. 472.

Cr.A.D.C., Ja. 64/43, 1943 S.O.D.O. 239.

" " „ Jm. 31/46, 1946 S.O.D.O. 741.

Principal offenders

23.—(1) When an offence is committed each of the following persons is deemed to have taken part in committing the offence, and to be guilty of the offence, and may be charged with committing it; that is to say :—

- (a) every person who actually does the act or any of the acts, or makes the omission or any of the omissions which constitute the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) every person who, whether or not he is present at the time the offence is committed, aids another person in committing the offence.

A person is deemed to aid if he is present at the place where an offence is committed for the purpose of overawing opposition or of strengthening the resolution of the actual perpetrator or of ensuring the carrying out of an intended offence;

- (d) every person who, whether or not he is present at the time the offence is committed, counsels or procures any other person to commit the offence.

(2) In the case stated in sub-section (1) (d) the person may be charged either with committing the offence or with counselling or procuring its commission.

(3) A conviction for counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction for committing the offence.

(4) Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

Offences committed in common purpose.

24. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecu-

Section 23: Cr.A. 78/37, Ct. L.R. 56. ✓  
 " " 88/37, 2 Ct. L.R. 82. ✓  
 " " 160/37, 5 P.L.R. 111.  
 " " 19/38, 5 P.L.R. 210.  
 " " 46/38, 5 P.L.R. 330.  
 " " 23/40, 7 P.L.R. 217; 7 Ct. L.R. 167.  
 " " 143/41, 9 P.L.R. 7; 11 Ct. L.R. 4.  
 " " 9/42, 11 Ct. L.R. 10.  
 " " 24/44, 1944 A.L.R. 361; 11 P.L.R. 201. ✓  
 " " 38/44, 1944 A.L.R. 177. ✓  
 " " 52/47, 1947 A.L.R. 484.  
 Cr.A.D.C., TA. 99/43, 1943 S.C.D.C. 31.  
 " " TA. 97/44, 1945 S.C.D.C. 59.  
 " " TA. 106/44, 1945 S.C.D.C. 132.  
 " " TA. 128/44, 1945 S.C.D.C. 245.  
 Section 23(1)(a): Cr.A.D.C., Jm. 48/43, 1943 S.C.D.C. 273.  
 Section 23(1)(b): Cr.A.D.C., TA. 8/44, 1944 S.C.D.C. 593.  
 Section 23(1)(c): Cr.A. 20/39, 6 Ct. L.R. 42.  
 " " 27/41, 8 P.L.R. 169; 9 Ct. L.R. 149. ✓  
 " " 83/41, 8 P.L.R. 267; 10 Ct. L.R. 102. ✓  
 Section 23(1)(d): Cr.A.D.C., Ha. 256/45, 1946 S.C.D.C. 404-5.  
 Section 24: Cr.A. 30/43, 10 P.L.R. 188; 1943 A.L.R. 309. ✓  
 " " 100/44, 1944 A.L.R. 820. ✓



tion of such purpose any offence or offences is or are committed of such a nature that the commission is a probable consequence of the prosecution of such purpose, each of such persons being present at the commission of any such offences is deemed to have committed the offence or offences committed.

25.—(1) When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

Mode of execution immaterial.

(2) In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him :

Provided that if any person who has procured or counselled in any way another person to commit an offence and before the commission thereof has countermanded the commission, he shall not be deemed to have committed the offence if it is subsequently committed.

26.—(1) Every person other than the father, mother, son, daughter, or husband, or wife of the offender who, knowing an offence to have been committed by another person, receives or assists such other person in order to enable him to escape punishment is said to become an accessory after the fact to the offence :

Accessories after fact.

Provided that a wife shall not become an accessory after the fact by receiving or assisting in her husband's presence and by his authority another person who is guilty of an offence in the commission of which her husband has taken part in order to enable that other person to escape punishment.

(2) Every person who is guilty of the offence prescribed in sub-section (1) hereof shall be liable on conviction —

(a) if the offence committed by the person received or assisted renders the perpetrator thereof liable on conviction to death or imprisonment exceeding three years, then to imprisonment not exceeding three years;

(b) if the offence renders the perpetrator thereof liable on conviction to imprisonment for three years or less, then to a term of imprisonment not exceeding half of the period of imprisonment to which the perpetrator is liable for the offence.

27. Every person who by this Code is deemed to be an accessory after the fact may be brought to trial and convicted of an offence under this Code whether the actual perpetrator of the offence in which he is an accessory has or has not been previously convicted of the offence, or whether it is or is not possible to institute proceedings against him and enforce any punishment that he may be ordered to undergo for the offence; and any such person may be tried either alone or together with the actual perpetrator of the offence or with any other accessories thereto.

Accessory after the fact may be tried whether principal has been convicted or not.

CHAPTER VI.

*Attempts, Incitements, Conspiracy.*

Definiton. 28. For the purpose of this chapter "offence" shall not include a contravention.

Attempts. 29. Any person who attempts to commit an offence shall be liable unless some other punishment is provided in this Code:—

- (a) to imprisonment for life if the offence attempted would render the perpetrator thereof liable on conviction to death;
- (b) to imprisonment for a period not exceeding fourteen years if the offence attempted is manslaughter;
- (c) to imprisonment for a period not exceeding ten years if the offence attempted is any other offence which would render the perpetrator liable to imprisonment for life;
- (d) in every other case, to a punishment not exceeding half of the greatest punishment to which the perpetrator of the offence is liable on conviction.

Attempt defined. 30.—(1) A person is deemed to attempt to commit an offence when he begins to put his intention to commit the offence into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence.

(2) It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from further prosecution of his intention.

(3) It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

Attempts to procure, solicit or incite to commission of offence.

31. Any person who attempts to procure, or attempts to solicit or incite, another to do any act or make any omission, in Palestine or elsewhere, of such a nature that, if the act were done or the omission made, an offence would thereby be committed under the law of Palestine or the laws in force in the place where the act or omission is proposed to be done or made, whether by himself or by that other person, is guilty of an offence of the same kind and is liable to the same punishment as if he had himself attempted to do the same act or make the same omission in Palestine:

Provided that if the act or omission is proposed to be done or made at a place outside Palestine, the punishment shall not exceed that which he

Section 28: Cr.A. 1/41, 8 P.L.R. 39.

Section 29: Cr.A. 19/38, 5 P.L.R. 210.

' " 1/41, 8 P.L.R. 39.

" " 27/41, 8 P.L.R. 169; 9 Ct. L.R. 149.

" " 118/41, 10 Ct. L.R. 143.

Cr.A.D.C., TA. 99/43, 1943 S.O.D.O. 313.

Section 29(b): Cr.A. 1/39, 6 P.L.R. 51.

" " 163/42, 9 P.L.R. 663.

" " 117/46, 13 P.L.R. 515.

Section 29(c): Cr.A. 124/41, 8 P.L.R. 473; 11 Ct. L.R. 229.

Section 30(1): Cr.A. 1/39, 6 P.L.R. 51; 5 Ct. L.R. 66.

Section 31: Cr.A. 108/42, 9 P.L.R. 469.

Cr.A.D.C., Ha. 49/46, 1946 S.O.D.O. 406.



would have incurred under the laws in force in the place where the act or omission was proposed to be done or made, if he had himself attempted to do the proposed act or make the proposed omission :

Provided also that in the last named case a prosecution shall not be instituted except at the request of the Government of the State having jurisdiction in the place where the act or omission was proposed to be done or made.

32. Any person who makes or knowingly has in his possession any explosive substance, or any dangerous or noxious engine, instrument, or thing whatever, with intent by means thereof to commit, or for the purpose of enabling any other person by means thereof to commit, any offence, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Preparation to commit crime with explosives

33. Every person who, knowing that a person designs to commit a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour and is liable to imprisonment for two years.

Neglect to prevent certain offences.

Gaz : 28.12.39, p. 181.

34. Any person who conspires with another to commit a felony or to do any act in any place which if done in Palestine would be such an offence, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of an offence, and is liable, if no other punishment is provided and the greatest punishment to which a person convicted of the offence in question is liable is imprisonment for seven years or more, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the offence in question is liable is less than imprisonment for seven years, then to such lesser punishment.

Conspiracy to commit a felony.

35. Any person who conspires with another to commit any offence which is a misdemeanour, or to do any act in any place which if done in Palestine would be such an offence, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour and is liable to imprisonment for two years.

Conspiracy to commit a misdemeanour.

36. Any person who conspires with another to effect any of the purposes following, that is to say :—

Other conspiracies.

- (a) to prevent or defeat the execution or enforcement of any law; or
- (b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or
- (c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or
- (d) to injure any person in his trade or profession; or
- (e) to prevent or obstruct by means of any act or acts which if done by an individual person would constitute an offence on his part,

Section 32: Cr.C., Ha. 326/44, 1945 S.C.D.C. 198.

Section 34: Cr.A. 6/39, 6 P.L.R. 113; 5 Ct. L.R. 99.

" " 58/39, 6 P.L.R. 567.

" " 124/41, 8 P.L.R. 473; 11 Ct. L.R. 229.

" " 17/42, 9 P.L.R. 240; 12 Ct. L.R. 121,

" " 146/42, 9 P.L.R. 33.

" " 140/43, 10 P.L.R. 605; 1944 A.L.R. 96.

Section 35: Cr.A. 29/39, 6 P.L.R. 405; 6 Ct. L.R. 85.

" " 31/39, 6 P.L.R. 430; 6 Ct. L.R. 103.

Cr.A.D.C., Jm. 94/43, 1943 S.C.D.C. 252.

Section 36 (a): Cr.A. 29/39, 6 P.L.R. 405; 6 Ct. L.R. 85.

the free and lawful exercise by any person of his trade, profession or occupation; or

(f) to effect any unlawful purpose; or

(g) to effect any lawful purpose by any unlawful means;

is guilty of a misdemeanour and is liable to imprisonment for two years.

36A. Save where the contrary is expressed or implied in this Chapter or in any other law, or in this Chapter read with any other law, this Chapter shall apply in relation to all offences.

Application of Chapter VII.  
Gaz: 26.11.46,  
p. 230.

## CHAPTER VII.

### *Punishments.*

Different kinds of punishments.

37. The following punishments may be inflicted by a court:—

(a) death;

(b) imprisonment;

(c) fine;

(d) payment of compensation;

(e) finding security to keep the peace and be of good behaviour;

(f) being placed, by a probation order, under the supervision of a probation officer.

Gaz: 28.12.44,  
p. 184.

Punishment of death.

38. The punishment of death shall be inflicted by hanging the offender by the neck until he is dead.

Imprisonment.

39.—(1) All imprisonment shall be with labour unless the court otherwise directs.

(2) A person liable to imprisonment for life or any other period may be sentenced for any shorter term.

Special treatment.

40.—(1) Where any person is sentenced to imprisonment, the court may, if it thinks fit, having regard to the nature of the offence and the antecedents of the offender, direct that he shall be given special treatment.

(2) Where any person is sentenced to imprisonment without special treatment the Chief Justice may at any time, having regard to the nature of the offence for which such person was convicted and his antecedents, direct that such person shall be given special treatment.

(3) Special treatment shall be in accordance with rules made under the provisions of the Prisons Ordinance, 1921.

Fines.

41. Subject to the provisions of section 42 of this Code where a fine is imposed under any law, then in the absence of express provisions relating to such fine in such law the following provisions shall apply:—

(a) Where no sum is expressed to which the fine may extend, the amount of the fine which may be imposed shall not exceed two hundred pounds.

- Section 36(f): Cr.A. 29/39, 6 P.L.R. 405; 6 Ct. L.R. 85.  
 " " 59/43, 10 P.L.R. 319; 1943 A.L.R. 479.
- Section 37(c): Cr.A. 98/41, 8 P.L.R. 351; 10 Ct. L.R. 11.  
 Cr.A.D.C., Ha. 32/43, 1943 S.C.D.C. 183.
- Section 37(d): Cr.A. 72/41, 8 P.L.R. 265; 10 Ct. L.R. 41.
- Section 39(1): Cr.A. 153-154-155/45, 1945 A.L.R. 607.



- (b) In the case of an offence punishable with a fine or a term of imprisonment, the imposition of a fine or a term of imprisonment or both such punishments shall be a matter for the discretion of the court.
- (c) Such fine shall be levied and recovered in all respects in accordance with and subject to the provisions of the law in force regarding execution of judgment, as though the amount thereof had been recovered in a civil action at the suit of the Attorney-General in the court in which the offender is tried.

42.—(1) A court of criminal jurisdiction may, upon conviction of a person charged with the commission of any offence, sentence the offender to any punishment not exceeding the maximum provided by law for the offence of which he is convicted :

Powers of court to reduce and vary penalties and to apply customary penalties. Gaz: 20.11.46, p. 230.

Provided that where the offender is convicted of a felony punishable with death no other sentence than that of death shall be inflicted unless the law otherwise expressly provides.

(1a). When a person is convicted of any offence, the court may, instead of inflicting a sentence of imprisonment, impose a sentence of imprisonment and fine or of fine only, but in any such case the fine shall not exceed the amount which such court is empowered to impose.

Gaz: 20.11.46, p. 230.

(2)—(a) Where a person convicted of any offence is sentenced to a fine, or to imprisonment and a fine, the court may order such person to be imprisoned in default of payment of such fine. The power to make such an order shall vest in any court of criminal jurisdiction irrespective of whether or not, or to what extent, such court is empowered to impose a sentence of imprisonment, but the period for which a convicted person may be imprisoned in default of payment of a fine shall in no case exceed the maximum laid down in the following scale :—

Gaz: 20.11.46, p. 230.

<i>Amount</i>	<i>Maximum period</i>
Not exceeding 500 mils ... ..	7 days
Exceeding 500 mils, but not exceeding one pound ... ..	14 days
Exceeding one pound but not exceeding five pounds ... ..	1 month
Exceeding five pounds but not exceeding twenty pounds ... ..	2 months
Exceeding twenty pounds ... ..	3 months.

Provided that instead of ordering imprisonment the court may direct that such fine shall be recovered in accordance with the provisions of section 41(c) of this Code.

- (b) Where a term of imprisonment is imposed by a court in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court, that term shall, on payment of a part of such sum to any person authorised to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid :

Gaz: 28.12.39, p. 181.

Section 42(1): Cr.A. 94/45, 1945 A.L.R. 522; 12 P.L.R. 338.

Section 42(2)(a): Cr.A. 145/37, 5 P.L.R. 123.

" " 108/42, 9 P.L.R. 469.

" " 60/44, 1944 A.L.R. 322.

" " 69/45, 1945 A.L.R. 671; 12 P.L.R. 380.

" " 44/46, 1946 A.L.R. 434.

Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this paragraph, the first day of imprisonment shall not be taken into account, and that, in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a mil shall be omitted.

(3) If the court is satisfied that the accused is a member of a tribe which has been accustomed to settle its disputes in accordance with tribal custom, and it is in the interests of public order that the case should be so settled, the court after sentencing the accused to the penalty prescribed by this Code or any other law, may substitute therefor such penalty not being repugnant to natural justice or morality as is customary under the tribal custom.

Compensation.

43.—(1) Any court by which any person is convicted of any offence may, if it thinks fit, and immediately after such conviction, award any sum of money not exceeding one hundred pounds by way of satisfaction or compensation for any loss caused by the offence of which the accused has been convicted to a person injured by the offence whether such person has or has not constituted himself a civil party.

The amount so awarded shall be a judgment debt due from the person so convicted to the person to whom it is awarded.

(2) Nothing in this section shall affect rights to *diyot* or to compensation in lieu of *diyot*, or the power of the court to award damages exceeding one hundred pounds to a person constituting himself a civil party.

Costs.

44.—(1) A court may order any person convicted of an offence other than one entailing a sentence of death to pay the whole or any part of the costs of and incidental to the prosecution including the expenses of the witnesses, and by such instalments as the court may direct. Such costs or any instalment thereof shall be recoverable in the same manner as a fine.

(2) Where a court acquits an accused person it may, if it is of opinion that the prosecution was frivolous and vexatious, order any person who preferred the charge or any person whom it may consider responsible for having procured the prosecution, not being a public officer acting in his official capacity, to pay to the accused his costs of the defence; and the amount so ordered to be recovered shall be recovered by the accused under the provisions of the law in force regarding the execution of judgments as though the amount thereof had been recovered by him in a civil action in the court in which he was tried.

(3) A person against whom an order for payment of costs of the defence has been made, may, where such order was made by a magistrate, appeal

Section 43: Cr.A. 29/40, 7 P.L.R. 218; 7 Ct. L.R. 163.

" " 104/40, 9 Ct. L.R. 43.

" " 72/41, 8 P.L.R. 265; 10 Ct. L.R. 41.

" " 113/42, 9 P.L.R. 478.

" " 140/43, 1944 A.L.R. 98.

" " 97/46, 1946 A.L.R. 687; 13 P.L.R. 547.

" " 162/46, 14 P.L.R. 5; 1947 A.L.R. 270.

Cr.A.D.C., TA. 47/43, 1943 S.O.D.C. 301-2.

C.A.D.C., Ha. 88/43, 1943 S.O.D.C. 288.

Cr.A.D.C., TA. 32/45, 1946 S.O.D.C. 389-95.

" " ", TA. 130/45, 1947 S.O.D.C. 34.

Section 44 (2) & (3): L.A. 119/45 Jm., 1945 S.O.D.C. 203.

Cr.A.D.C., Ha. 33/45, 1945 S.O.D.C. 315.



to the District Court, but in no other case shall any appeal lie from such order.

45.—(1) A person convicted of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognisance, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and may be ordered to be imprisoned until such recognisance, with sureties, if so directed, is entered into; but so that the imprisonment for not entering into the recognisance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine.

Security for keeping the peace.

(2) The court may order the complainant or any witness in a criminal case, where it apprehends that a breach of the peace may occur, to enter into his own recognisance, with or without sureties, in such amount as it thinks fit that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and that in default of compliance he shall be imprisoned for a term not exceeding three months.

Security for keeping the peace from complainant or witness.

46. Section repealed. (*See Second Schedule to the Probation of Offenders Ordinance, No. 42 of 1944, published in Supplement No 1, to Palestine Gazette No. 1380 of the 28th December, 1944.*)

47. When in this Code no punishment is specially provided for a misdemeanour, any person convicted thereof is liable to imprisonment for three years, or to a fine of one hundred pounds, or to both such penalties.

General punishment for misdemeanour.

48. Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence, other than a sentence of death, which is passed upon him under subsequent conviction, shall be executed after the expiration of the former sentence, unless the court directs that it shall be executed in lieu of the former sentence or of any part thereof.

Sentences cumulative unless otherwise ordered.

## PART II.

### Offences.

#### DIVISION I.—OFFENCES AGAINST PUBLIC ORDER.

#### CHAPTER VIII.

##### *Treason and other Offences against the Authority of the Government.*

49.—(1) Any person who levies war against His Majesty in order to intimidate or overawe the High Commissioner is guilty of treason and is liable to the punishment of death.

Treason.

Section 45(1): Cr.A. 17/44, 11 P.L.R. 81; 1944 A.L.R. 102.  
Cr.A.D.C., Ha. 32/43, 1943 S.C.D.C. 183.  
Cr.A.D.C., TA. 34/46, 1946 S.C.D.C. 706.  
Section 45(2): Cr.A.D.C., TA. 93/44, 1944 S.C.D.C. 397.  
" " " Ja. 75/45, 1945, S.C.D.C. 606.

(2) Any person conspiring with any other person whether such other person is either within or without Palestine to levy war against His Majesty with intent to cause such levying of war as would be treason if committed by a subject of His Majesty, is guilty of treason and is liable to the punishment of death :

Provided that where a woman convicted under the provisions of this section is found upon evidence to the satisfaction of the court to be pregnant, she is liable to imprisonment for life.

Instigating  
invasion.

50. Any person who instigates any person to invade Palestine with an armed force is guilty of treason, and is liable to the punishment of death :

Provided that where a woman convicted under the provisions of this section is found upon evidence to the satisfaction of the court to be pregnant, she is liable to imprisonment for life.

Concealment  
of treason.

51. Any person who :—

(a) becomes an accessory after the fact to treason; or

(b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the High Commissioner, District Commissioner or a Police Officer, or use other reasonable endeavour to prevent the commission of the offence;

is guilty of a felony and is liable to imprisonment for life.

Treasonable  
felonies.

52. Any person who forms an intention to effect any of the following purposes, that is to say :—

(a) to depose His Majesty from the style, honour and royal name of the Imperial Crown of Great Britain, Northern Ireland and of the British Dominions beyond the Seas, or of any of His Majesty's dominions, or territories or countries; or

(b) to levy war against His Majesty within any part of His Majesty's dominions, or within any country which has been declared to be under his protection or mandate, in order by force or constraint to compel him to change his measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe the legislature or legislative authority of any of His Majesty's dominions, or of any country which has been declared to be under his protection or mandate; or

(c) to instigate any person to make an armed invasion of any of His Majesty's dominions or of any country which has been declared to be under his protection or mandate;

and manifests such intention by an overt act, or by publishing any printing or writing, is guilty of a felony and is liable to imprisonment for life.

Promoting civil  
war.  
Use of armed  
force against  
Government, etc.

53. Any person who :—

(a) without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against any section, race or body of persons in Palestine;

(b) prepares or endeavours, by armed force or the show of armed force, to procure an alteration in the Government or laws or to resist the execution of the laws, or to compel the High Commissioner or



any member of the Executive Council or Legislative Council, or Advisory Council, or any person in command of any Military Forces or any Police Officer to do, or abstain from doing, any act of a public or official character;

is guilty of a felony and is liable to imprisonment for life.

54. Any person who endeavours to effect any of the following purposes, that is to say :—

Inciting to mutiny.

(a) to seduce any person serving in the Military Forces or any member of the Police Force from his duty and allegiance to His Majesty or the Government of Palestine; or

(b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or

(c) to incite any such persons to make or endeavour to make a mutinous assembly;

is guilty of a felony and is liable to imprisonment for life.

55. Any person who :—

Aiding soldiers or policemen in acts of mutiny.

(a) aids, abets, or is accessory to any act of mutiny by; or

(b) incites to sedition or to disobedience to any lawful order given by a superior officer or to any act of insubordination, any non-commissioned officer or private of the Military Forces or any member of the Police Force, is guilty of a felony and is liable to imprisonment for five years.

56. Any person who, by any means whatever, directly or indirectly :—

Inducing soldiers or policemen desert.

(a) procures or persuades or attempts to procure or persuade to desert; or

(b) aids, abets or is accessory to the desertion of; or

(c) having reason to believe he is a deserter, harbours or aids in concealing,

any non-commissioned officer or private of the Military Forces, or any member of the Police Force, is guilty of a misdemeanour.

57.—(1) Any person who knowingly and advisedly aids an alien enemy of His Majesty, being a prisoner of war in Palestine, whether such prisoner is confined in a prison or elsewhere, or is suffered to be at large on his parole, to escape from his prison or place of confinement, or if he is at large on his parole, to escape from Palestine, is guilty of a felony and is liable to imprisonment for life.

Aiding prisoners of war to escape.

(2) Any person who negligently and unlawfully permits the escape of any such person as is mentioned in the last preceding sub-section, is guilty of a misdemeanour.

58. In the case of any of the offences defined in this chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

Definition of overt act.

Seditious offences.  
Gaz: 28.12.39  
p. 182.

59.—(1) Any person who —

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; or
- (b) publishes any words, or prints or publishes or reproduces any publication, having a seditious intention, or
- (c) imports any publication having a seditious intention, unless he has no reason to believe that it has a seditious intention;

is guilty of a misdemeanour, and is liable for a first offence to imprisonment for two years or to a fine of LP.100 or to both such penalties, and for a subsequent offence to imprisonment for three years; and any seditious publication shall be forfeited to the Government of Palestine.

(2) Any person who without lawful excuse is found in possession of a publication having a seditious intention is guilty of a misdemeanour and is liable for a first offence to imprisonment for one year or to a fine LP.50 or to both such penalties, and for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to the Government of Palestine.

(3) No prosecution for an offence under this section shall be begun except within six months after the offence is committed.

(4) No person shall be prosecuted for an offence under this section without the written consent of the Attorney-General.

(5) No person shall be convicted of an offence under this section on the uncorroborated testimony of one witness.

Seditious  
intention.  
Gaz: 28.12.39,  
p. 182.

60.—(1) For the purposes of the last preceding section a seditious intention is an intention to bring into hatred or contempt or to excite disaffection against the person of His Majesty, or the Mandatory Power or the High Commissioner in his official capacity or the Government of Palestine, as by law established, or the administration of justice, or to incite or excite inhabitants of Palestine to attempt to procure the alteration otherwise than by lawful means of any matter in Palestine by law established; or to raise discontent or disaffection amongst inhabitants of Palestine; or to promote feelings of ill-will and hostility between different sections of the population of Palestine.

Gaz: 28.12.39,  
p. 183.

(2) In determining whether the intention with which any act was done, or words spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

(3) For the purposes of proving seditious intention it shall be lawful for the prosecution to prove that the defendant has published on other occasions words which are the same as those alleged to have a seditious intention or other words having a seditious intention provided that in the latter case, the words used expressly referred to the same matter as that to which the words alleged to have a seditious intention refer.

(4) It shall be no defence to a charge under the last preceding section that the words alleged to have a seditious intention are true.

Gaz: 28.12.39,  
p. 183.

(5) An act, speech or publication is not seditious by reason only that it intends —



- (a) to show that His Majesty or the Government of Palestine have been misled or mistaken in any of their measures; or
- (b) to point out errors or defects in the constitution or Government of Palestine as by law established or any legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade His Majesty's subjects or inhabitants of Palestine to attempt to procure by lawful means the alteration of any matter in Palestine as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Palestine.

61. On the trial of any person as principal for the publication by his agent of words alleged to have a seditious intention as defined in section 60 of this Code, or defamatory matter as in chapter XX hereinafter mentioned, such person shall be entitled to be discharged if he proves that :—

Evidence to rebut *prima facie* case of publication by agent.

- (a) the publication was made without his authority, consent or knowledge; and
- (b) the publication did not arise from any want of due care or caution on his part; and
- (c) he did everything in his power to assist in ascertaining the identity of the persons responsible for writing and publishing respectively such words or matter.

62.—(1) Any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that such statement, rumour or report is false, is guilty of a misdemeanour and is liable to imprisonment for three years.

Publication of false news with intent to cause fear and alarm to the public.

(2) It shall be no defence to a charge under the last preceding sub-section that he did not know or did not have reason to believe that the statement, rumour or report was false unless he proves that, prior to publication, he took reasonable measures to verify the accuracy of such statement, rumour or report.

63. Any person who :—

- (a) administers, or is present at and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

Unlawful oaths to commit capital offences.

(b) takes any such oath or engagement, not being compelled to do so; is guilty of a felony and is liable to imprisonment for life.

64. Any person who :—

- (a) administers, or is present at and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say :—

Other unlawful oaths to commit offences.

- (i) to engage in any mutinous or seditious enterprise;
- (ii) to commit any offence not punishable with death;

- (iii) to disturb the public peace;
- (iv) to be of any association, society or confederacy formed for the purpose of doing any such act as aforesaid;
- (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
- (vi) not to inform or give evidence against any associate, confederate or other person;
- (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or

(b) takes any such oath or engagement, not being compelled to do so; is guilty of a felony, and is liable to imprisonment for seven years.

Compulsion how far a defence.

65. A person who takes any such oath or engagement as is mentioned in the two last preceding sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before some police officer, or, if he is on actual service in the Military Forces, or in the Police Forces, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

Unlawful drilling.

66.—(1) Any person who:—

(a) without the permission of the High Commissioner trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or

(b) is present at any meeting or assembly of persons, held without the permission of the High Commissioner, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements or evolutions;

is guilty of a felony and is liable to imprisonment for seven years.

(2) Any person who at any meeting or assembly held without the permission of the High Commissioner is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of a misdemeanour.

Unlawful carriage or possession of firearm, ammunition or explosive article, etc.

Gaz: 29.6.44, p. 46.

66A. Any person who, without lawful authority or lawful occasion, the proof of which lies on him—

(a) carries or has in his possession any firearm, or any part of a firearm, or any ammunition; or

Section 66A(a): Cr.A. 158/46, 1947 A.L.R. 52.  
Cr.C., Ha. 326/44, 1945 S.O.D.O. 197.  
Cr.A.D.C. 185/44, 1945 S.O.D.O. 110.



(b) carries or has in his possession any bomb, grenade or other explosive article, or any part of any bomb, grenade or other explosive article,

is guilty of a felony and is liable to imprisonment for ten years.

67.—(1) Any person who in Palestine attempts to organise, prepare, aid or facilitate any attempt in a foreign country by force to destroy the constitution or the established order of the government of that country is guilty of a felony and is liable to imprisonment for ten years.

Attempts to organise violent attempt against constitution of foreign country.

(2) Any person who by making any speech in a public place or in a public gathering or by publishing any writing endeavours to incite hostilities against the government of a friendly state, is guilty of a misdemeanour.

Incitement to hostilities against friendly powers.

68. Any person who :—

Insult to flag.

(a) publicly pulls down, destroys, or does any act to injure the flag or any emblem of Great Britain; or

(b) publicly pulls down, destroys, or does any act to injure the flag or any emblem of any friendly state, with intent to show hatred or contempt for such state,

is guilty of a misdemeanour.

#### CHAPTER IX.

##### *Offences against the Constitution and Existing Social Order.*

69. In this chapter :—

Definition of unlawful association.

“Unlawful association” means :

(a) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, incites or encourages any of the following unlawful acts :—

(i) the overthrow of the constitution of Palestine by revolution or sabotage;

(ii) the overthrow by force or violence of the established Government of Palestine, or of any other civilised country, or of organised government;

(iii) the destruction or injury of property of the Government of Palestine or of property used in trade or commerce with other countries or in Palestine; or which is, or purports to be, affiliated with any organisation which advocates or encourages any of the doctrines or practices specified in this section;

(b) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section 60 of this Code;

(c) any body of persons which, being required by the law in force to notify its rules to the Government, has failed to notify them, or, having been dissolved under the said law, continues to meet.

And the said term further includes any branch, centre, committee, group

or faction of an unlawful association, and any institution or school conducted by or under the authority of an unlawful association.

Members of unlawful associations.

70. Any person who, being over the age of sixteen, is a member of an unlawful association, and any person who occupies or acts in any office or position in or of an unlawful association, or who acts as a representative of an unlawful association, or who acts as a teacher in any institution or school conducted by or under the authority or apparent authority of an unlawful association, is guilty of a misdemeanour and is liable to imprisonment for one year.

Advocating and encouraging unlawful associations.

71. Any person who by speech or writing or in any other way advocates or encourages the doing of any of the acts declared to be unlawful in section 69 of this Code is guilty of a misdemeanour.

Giving or soliciting contributions for an unlawful association.

72. Any person who gives or pays contributions, subscriptions or donations and any person who solicits contributions or subscriptions or donations for, or on account of, any unlawful association is guilty of a misdemeanour and is liable to imprisonment for six months.

Publishing propaganda of an unlawful association.

73. Any person who prints, publishes, sells or exposes for sale or transmits through the post any book, periodical, pamphlet, handbill, poster or newspaper for or in the interests of or issued by any unlawful association is guilty of a misdemeanour, and is liable to imprisonment for six months or to a fine of fifty pounds or to both such penalties.

Industrial disturbances.

74.—(1) If at any time the High Commissioner is of opinion that there exists in Palestine a serious industrial disturbance prejudicing or threatening trade or commerce with other countries or in Palestine, he may by proclamation declare Palestine to be in a state of emergency, and for the purposes of this section such a proclamation shall remain in force until it is revoked.

Proclamation of emergency.

Persons taking part in lock-outs and strikes during operation of a proclamation.

(2) Any person who during the operation of a proclamation referred to in the last preceding sub-section takes part in or continues, or incites to, urges, aids or encourages the taking part in, or continuance of, a lock-out or strike in relation to employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in Palestine; or in relation to employment in, or in connection with, the provision of any public service in Palestine or of any Government Department or municipal authority in Palestine, is guilty of a misdemeanour and is liable to imprisonment for one year.

Offences against the maintenance of the public service, transport, etc.

75. Any person who by violence to the person or property of another person, or by spoken or written threat or intimidation of any kind to whomsoever directed, or, without reasonable cause or excuse, by boycott or threat of boycott of person or property :—

- (a) obstructs or hinders the maintenance of any public service or Government Department or municipal authority in Palestine;
- (b) compels or induces any person employed in or in connection with the maintenance of any public service or Government Department or municipal authority in Palestine to resign or depart from his employment;
- (c) prevents any person from offering or accepting employment in or in connection with the maintenance of any public service or Government Department or municipal authority in Palestine;



- (d) obstructs or hinders the transport of goods or conveyance of passengers in trade or commerce with other countries or in Palestine;
  - (e) compels or induces any person employed in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in Palestine to resign or depart from his employment; or
  - (f) prevents any person from offering or accepting employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in Palestine;
- is guilty of a misdemeanour and is liable to imprisonment for two years.

76. A prosecution for any offence under this chapter shall not be instituted except by or with the consent of the Attorney-General.

Prosecution of offences under this chapter.

### CHAPTER X.

#### *Offences affecting Relations with Foreign States and External Tranquility.*

77. Any person who without such justification or excuse as would be sufficient in the case of the defamation of a private person publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any prince, ruler, potentate, ambassador or other dignitary of any state or territory other than Palestine, is guilty of a misdemeanour and is liable to a fine of one hundred pounds. And if such thing, sign or representation is likely or intended to disturb peace and friendship between Palestine and such other state or territory, such person is guilty of a misdemeanour.

Defamation of foreign princes, etc.

78. Any person who commits piracy or any crime connected with or relating or akin to piracy is guilty of a felony and is liable to imprisonment for life.

Piracy.

### CHAPTER XI.

#### *Unlawful Assemblies, Riots and other Offences against Public Tranquility.*

79.—(1) Where three or more persons assembled with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, the persons so assembled are an unlawful assembly.

Definitions.

Unlawful assembly.

(2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

(3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

Riot.

80. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year.

Punishment of unlawful assembly.

Punishment of riot.

81. Any person who takes part in a riot is guilty of a misdemeanour and is liable to imprisonment for two years.

Making order for rioters to disperse.

82. Any District Commissioner or District Officer or Magistrate or, in his absence, any Police Officer of or above the rank of Inspector, in whose view three or more persons are riotously assembled, or who apprehends that a riot is about to be committed by three or more persons assembled within his view may, after notifying his presence by blowing a bugle or whistle or by some similar means or by the firing from a pistol of a Verey light, order the rioters or persons so assembled to disperse peaceably.

Dispersion of rioters.

83. If on the expiration of a reasonable time after such notification and order made, or after the making of such notification or order has been prevented by force, three or more persons continue riotously assembled together, any person authorised to make notification and order as in the last preceding section mentioned or any Police Officer, or any other person acting in aid of such person or Public Officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm, death or damage to any person or property.

Rioting after order.

84. If notification is given and order is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such notification and order, takes or continues to take part in the riot or assembly, is guilty of a felony and is liable to imprisonment for five years.

Preventing or obstructing the making of notification.

85. Any person who forcibly prevents or obstructs the making of such notification or order as is in section 82 mentioned, is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the notification or order is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is guilty of a felony and is liable to imprisonment for five years.

Rioters demolishing buildings, etc.

86. If any persons, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy, any building, ship, railway, machinery, or structure, telegraph line, power line, pipe line or any pipe for water supply, each of them is guilty of a felony and is liable to imprisonment for life.

Rioters injuring buildings, machinery, etc.

87. If any persons, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned, each of them is guilty of a felony and is liable to imprisonment for seven years.

Riotiously preventing the sailing of ship.

88. All persons who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading, or the sailing or navigating of any vessel or unlawfully and with force board any vessel with intent to do so are guilty of a misdemeanour.



89. Any person who carries in public without lawful occasion any offensive arm or weapon, is guilty of a misdemeanour, and his arms or weapons shall be forfeited.

Carrying arms unlawfully.

90. Any person who imports, or in any district, area or place to which the provisions of this section have been applied by the High Commissioner, manufactures, sells, offers or exposes for sale or wears or carries a dagger, is guilty of a misdemeanour.

Daggers.

91. Any person who, in any district, area or place to which the provisions of this section have been applied by the High Commissioner, wears or carries any knife outside his own house and premises, is guilty of a misdemeanour and is liable to imprisonment for one year :

Knives.

Provided that no person shall be deemed to have committed an offence against this section if he shall prove that he was wearing or carrying such knife outside his own house and premises for some lawful purpose, for which purpose a knife was necessary :

Provided also that the District Superintendent of Police of the district in which the person was found to be carrying or wearing the knife, in his discretion, having regard to all the circumstances of the case, may direct that no proceedings shall be instituted under this section.

92. The officer in charge of any police station or post may cause any person suspected of carrying a dagger or knife in contravention of the provisions of this Code to be searched and may detain any such dagger or knife.

Power to detain daggers and knives.

93. Nothing in this Code shall prevent any person from carrying a clasp-knife, provided that it has not a blade of more than ten centimetres in length whether ending in a sharp point or not, and further that it is not so constructed as to be convertible by means of a spring or otherwise into a dagger or knife with a fixed blade.

Clasp-knives.

94. Any dagger or knife in respect to which any person has been convicted for a breach of this Code shall be forfeited.

Forfeiture.

95. In this chapter :—

Definitions.

“Applied by the High Commissioner” means applied by the High Commissioner in Council by order published in the *Gazette*.

“Dagger” includes any sword, or any knife or other instrument having a blade ending in a sharp point, and which is not primarily designed for use in a profession, craft, or business, or for domestic use : Provided that any such sword, knife or other instrument when worn or carried by any person shall be deemed to be a dagger within the meaning of this chapter unless it is primarily designed for use in a profession, craft or business exercised or carried on by such person or for domestic use, and is being worn or carried by such person for the purpose of its use in such profession, craft or business, or for domestic use.

“Knife” includes any instrument, not being a dagger, having a blade, whether ending in a sharp point or not.

**Forcible entry.**

96. Any person who, in order to take possession thereof, enters on any land or building in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any such house or in collecting an unusual number of people, is guilty of a misdemeanour. Such misdemeanour is termed forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or buildings of his own but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

**Forcible detainer.**

97. Any person who, being in actual possession of land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace against a person entitled by law to the possession of the land, is guilty of a misdemeanour. Such misdemeanour is termed forcible detainer.

**Affray.**

98. Any person who unlawfully takes part in a fight in a public place is guilty of a misdemeanour, and is liable to imprisonment for one year. Such misdemeanour is termed affray.

**Challenge to fight a duel.**

99. Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

**Threatening violence.**

100. Any person who :—

- (a) with intent to intimidate or annoy any person, threatens to break or injure a dwelling house; or
- (b) with intent to alarm any person in a dwelling house, discharges loaded firearms or commits any breach of the peace; or
- (c) with intent to cause any person to do any act which that person is not legally bound to do, or to omit to do any act which that person is legally entitled to do, threatens another with injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested,

is guilty of a misdemeanour.

**Drunkennes.**

101.—(1) Any person who in any public place, is guilty while drunk, of riotous or disorderly behaviour is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of ten pounds or to both such penalties.

(2) Any person who is drunk while in possession of any loaded firearm, knife or other deadly weapon may be apprehended without a warrant, and is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of twenty pounds or to both such penalties.

(3) Any person who supplies intoxicating liquor to a person who is already drunk, or to any person apparently under the age of eighteen

Section 96: Cr.A. 31/39, 6 P.L.R. 430; 6 Cl. L.R. 103.

" " 97/46, 13 P.L.R. 547.

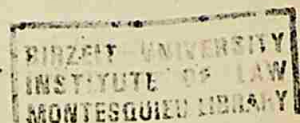
Cr.A.D.C., Ha. 65/45, 1945 S.O.D.C. 359.

" " " , Ha. 130/45, 1945 S.O.D.C. 512.

" " " , Jm. 19/46, 1946 S.O.D.C. 278.

Section 97: Cr.A.D.C., Ha. 27/45, 1945 S.O.D.C. 329.

Section 100(c): Cr.A.D.C., Ha. 67/44, 1944 S.O.D.C. 514.





years, or who encourages any such person to consume intoxicating liquor, is guilty of a contravention and is liable to a fine of five pounds.

(4) If the person supplying or encouraging the consumption is the proprietor of any establishment where intoxicating liquors are sold or is an employee in any such establishment, he is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of ten pounds or to both such penalties.

102.—(1) Any person who creates a noise or uproar in a public place without reasonable cause in a manner likely to disturb the inhabitants or to cause a breach of the peace, is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of five pounds or to both such penalties.

Disturbance and public insult.

(2) Any person who in any public place shall insult any other person in such a manner as would be likely to provoke any person present to commit a breach of the peace, is guilty of a misdemeanour and is liable to imprisonment for one month or to a fine of ten pounds or to both such penalties.

103. Any person who wilfully and without proper authority tears down, defaces or destroys any notice, intimation or document affixed or to be affixed to any building or any public place, under the provisions of any law or rules of court or by order of any person employed in the public service, is guilty of a misdemeanour and is liable to imprisonment for one month or to a fine of five pounds.

Disturbance and notices.

104. Any person who attempts to prevent, obstruct or disturb any public election by any kind of force, violence or threats, or by any act which is an offence punishable under this Code is guilty of a misdemeanour.

Prevention of election by force or threats.

105. Any person who does any act which may cause or tend to a public mischief is guilty of a misdemeanour.

Public mischief. Gaz: 25.11.37, p. 293.

DIVISION II.—OFFENCE AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY.

CHAPTER XII.

*Corruption and the Abuse of Office.*

106. Any person who, 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 public servant, as such, shall be guilty of a

Public servant taking a gratification other than legal remuneration, in respect of an official act. Gaz: 28.12.44, p. 172.

Section 105: Cr.A. 82/42, 9 P.L.R. 357; 12 Ct. L.R. 145.

" " 179/42, 9 P.L.R. 782.

Cr.A.D.C., Jm. 94/43, 1943 S.O.D.O. 253.

Section 106: Cr.A. 77/40, 7 P.L.R. 438; 8 Ct. L.R. 57.

Cr.A. 144/42, 9 P.L.R. 628.

" " 18/44, 11 P.L.R. 102; 1944 A.L.R. 158.

" " 71/44, 1944 A.L.R. 450.

Cr.A.D.C., Ha. 256/45, 1946 S.O.D.O. 404-5.



misdeameour, and shall be liable to imprisonment for three years or to a fine of five hundred pounds or to both such penalties.

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

Gaz: 28.12.44, p. 172.

107. Any person who 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 public servant, as such, shall be guilty of a misdeameour, and shall be liable to imprisonment for three years or to a fine of five hundred pounds or to both such penalties.

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

Gaz: 28.12.44, p. 172.

108. Any person who 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 public servant, as such, shall be guilty of a misdeameour, and shall be liable to imprisonment for one year or to a fine of two hundred pounds or to both such penalties.

Interpretation of sections 106, 107 and 108.

Gaz: 28.12.44, p. 173.

109. For the avoidance of doubt it is hereby declared that a person who accepts or obtains, or agrees to accept or attempts to obtain, a gratification as a motive or reward for doing an act or making an omission, or for having done an act or made an omission, as the case may be, contemplated by section 106, 107 or 108, is guilty of an offence under section 106, 107 or 108, as the case may be, notwithstanding that he does not intend to do the act or make the omission, or has not done the act or made the omission, in respect of which the gratification is accepted or obtained or agreed to be accepted or attempted to be obtained.

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

Gaz: 28.12.44, p. 173.

109A. Any person who, 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 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 superior, or from any person whom he knows to be interested in or related to the person so concerned, shall be guilty of a misdeameour, and shall be liable to imprisonment for one year or to a fine of two hundred pounds or to both such penalties. In any prosecution for an offence against this section, the absence of consideration shall be assumed unless it be proved that there was consideration and what the consideration was.

Oppression by public servant.

Gaz: 28.12.44, p. 173.

109B. Any public servant who:—

(a) subjects or orders the subjection of any person to force or violence for the purpose of extorting from him, or from anyone in whom he

Section 109: Cr.A. 32/42, 9 P.L.R. 357; 12 Ct. L.R. 145.  
" " 18/44, 11 P.L.R. 102; 1944 A.L.R. 158.  
" " 461/44, 1945 A.L.R. 305.  
Cr.A.D.C., Jm. 94/43, 1943 S.O.D.O. 253.



is interested, a confession of an offence or any information relating to an offence, or

- (b) threatens any person, or orders any person to be threatened, with injury to his person or property or to the person or property of anyone in whom that person is interested for the purpose of the extortion from that person of a confession of an offence or of any information relating to an offence,

shall be guilty of a misdemeanour.

110.—Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting properties of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business, in which he has such interest or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Offices charged with administration of property of a special character or with special duties.  
Gaz: 20.11.46,  
p. 230.

111. Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge false in any material particular, is guilty of a misdemeanour.

False claims by officials.  
Gaz: 20.11.46,  
p. 230.

112. Any person who, being employed in the public service:—

- (a) does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another; or  
(b) enters the residence of any person against his will in cases other than those authorised by law, or without observing the formalities prescribed by law;

Abuse of office.  
Gaz: 20.11.46,  
p. 230.

is guilty of a misdemeanour and is liable to imprisonment for two years.

113. Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be affected, gives a certificate which is, to his knowledge, false in any material particular, is guilty of a misdemeanour.

False certificates.  
Gaz: 28.12.44,  
p. 174.

114. Any person who:—

- (a) not being a judicial officer, assumes to act as a judicial officer; or  
(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration, affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or  
(c) represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such

False assumption of authority.

document, as being so authorised, when he is not, and knows that he is not, in fact, so authorised;  
is guilty of a misdemeanour.

Personating  
public officers.

115. Any person who:—

- (a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or
- (b) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment;

is guilty of a misdemeanour.

### CHAPTER XIII.

#### *Offences relating to the Administration of Justice.*

Definitions.

116. In this chapter unless the context otherwise requires:—

“Testimony” means statements made orally or in writing by way of evidence, and includes:—

- (a) statements of opinion given in evidence;
- (b) translations made by interpreters in any judicial proceedings;
- (c) statements made by a plaintiff or defendant in a civil suit or by a civil claimant in a criminal prosecution;

but does not include statements not on oath made by the accused person in a criminal prosecution.

“Declaration” means testimony given otherwise than on oath.

Perjury and  
subornation of  
perjury.

117.—(1) Any person who in any judicial proceeding knowingly gives false testimony touching any matter which is material to any question depending in that proceeding is guilty of a felony. Such felony is termed perjury.

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law or by way of declaration only.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial if he assents to the forms and ceremonies used.

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place or not, if it acts as a court or tribunal in the proceeding in which the testimony is given.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

Subornation.

(2) Any person who procures another person to commit perjury, which he commits in consequence of such procurement, is guilty of a felony. Such felony is termed subornation of perjury.

Section 115(b): Cr.A. 148/41, 9 P.L.R. 10.

Section 117(1): Cr.A. 171/45, 1946 A.L.R. 76.

    " " Cr.A. 101/46, 13 P.L.R. 507.

    " " 138/46, 14 P.L.R. 43; 1947 A.L.R. 237.

    Cr.C., Ha. 146/45, 1945 S.O.D.C. 499.

Section 117(2): Cr.A. 7/40, 7 P.L.R. 44; 7 Ct. L.R. 59.



118. Any person who commits perjury or subornation of perjury is liable to imprisonment for seven years. Punishment of perjury.

119. Any person who, with intent to mislead any tribunal in any judicial proceedings: Fabricating evidence.

(a) fabricates evidence by any means other than perjury or subornation of perjury; or

(b) knowingly makes use of such fabricated evidence;

is guilty of a felony and is liable to imprisonment of five years.

120. Any person who knowingly swears falsely or makes a false affirmation or declaration before any person authorised to administer an oath or take a declaration, is guilty of a misdemeanour. False swearing.

121. Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour. Deceiving witnesses.

122. Any person who, knowing that any book, document, or other thing of any kind, is or may be required in evidence in a judicial proceeding, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of a misdemeanour. Destroying evidence.

123.—(1) Any person who gives to the Attorney General or to a police officer or any other officer entitled to institute a criminal prosecution, written information which he knows to be false of the commission of an offence punishable by law, is guilty of a misdemeanour. False information.

It is immaterial whether the authority to whom the information was given was competent to receive the information.

It is immaterial whether proceedings have or have not been taken in pursuance of the information.

(2) Where as the result of any such written information any person has been prosecuted and such person has been acquitted, in any proceedings under the provisions of this section in respect of such written information the onus shall be upon the defendant to show that he did not know that such information was false.

124. Any person who:—

(a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert, or defeat the course of justice; or

(b) in order to obstruct the due course of justice, dissuades, hinders, or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so; or

(c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal;

is guilty of a misdemeanour.

Conspiracy to defeat justice and interference with witnesses.

Section 120: Cr.A.D.C., Ha. 105/46, 1946 S.C.D.C. 863.

Section 123: Cr.A. 64/40. 7 P.L.R. 427; 8 Ct. L.R. 59.

Cr.A.D.C., Ha. 1/46, 1946 S.C.D.C. 158-9.

Using improper influence.

125. Any person who by any solicitation or request addressed to any judge, magistrate or settlement officer or to any official of a court endeavours improperly to influence the result of any judicial proceeding, is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of fifty pounds or to both such penalties.

Publication to influence.

126. Any person who by any means of publication publishes news, reports or criticisms which are calculated to influence the mind of any judge, magistrate or settlement officer who may be called upon to give a decision in any pending action or other judicial proceeding or to influence the mind of witnesses, or to prevent persons from giving information to the authorities, is guilty of a misdemeanour and is liable to imprisonment for six months.

Publishing incorrect report of proceedings.

127. Any person who by any means of publication publishes in bad faith an incorrect report of proceedings in a court is guilty of a misdemeanour and is liable to imprisonment for six months.

Invitation to subscribe to the payment of a fine.

128. Any person who by any means of publication opens or gives publicity to a subscription for the purpose of defraying any fine, costs or damages adjudged by the sentence of a court in a criminal case is guilty of a misdemeanour and is liable to imprisonment for six months.

Compounding felonies.

129. Any person who asks, receives or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony which is not lawfully compoundable, or will abstain from, discontinue or delay a prosecution for such a felony, or will withhold any evidence thereof, is guilty of a misdemeanour.

Advertisements for stolen property.

130. Any person who :—

(a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested; or

(b) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or

(c) prints or publishes any such offer;

is guilty of a misdemeanour.

Scandalizing court.

131.—(1) Any person who :—

(a) by speech or writing uses any words of any judge, whether of a court of a civil, criminal or religious jurisdiction or any magistrate, in respect of his office with intent to defame him in that capacity; or

(b) publishes any invective against a judge, whether of a court of a civil, criminal or religious jurisdiction or any magistrate, with a view to bring the administration of justice into suspicion or contempt;

is guilty of a misdemeanour :

Provided that the discussion with candour and decency of the merits of a decision of a judge in a matter of public interest and concern shall not be an offence under this section.



(2) The provisions of this section shall apply to the proceedings of a settlement officer in the hearing of claims under the Land (Settlement of Title) Ordinance as if such officer constituted a court.

Application to proceedings before settlement officer.  
Cap. 80  
Gaz: 20.11.46,  
p. 230.

CHAPTER XIV.

*Rescues, escapes and obstructing Officers of Court of Law.*

132.—(1) Any person, who by force rescues or attempts to rescue from lawful custody any other person :—

Rescue.

- (a) if such last-named person is under sentence of death or imprisonment for life, or charged with an offence punishable with death, or imprisonment for life, is guilty of a felony, and is liable to imprisonment for life; or
- (b) if such other person is imprisoned on a charged or under sentence for any felony other than those specified above, is guilty of a felony and is liable to imprisonment for seven years; or
- (c) in any other case is guilty of a misdemeanour.

(2) If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

133. Any person who, being in lawful custody for any criminal offence, escapes from such custody :—

Escape.

- (a) if he is charged with, or has been convicted of a felony, is guilty of a felony and is liable to imprisonment for seven years; or
- (b) in any other case is guilty of a misdemeanour.

134. Any person who :—

Aiding prisoners to escape.

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or
  - (b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner;
- is guilty of a felony, and is liable to imprisonment for seven years.

135. Any person who, being lawfully commanded by any public officer, police officer or other person to give aid for the prevention of crime, or for arresting any person or for preventing the rescue or escape of any person, refuses or neglects to give such aid according to his ability, is guilty of a misdemeanour.

Refusal or neglect to aid public officer in prevention of crime.

136. Any person who, when any property has been attached or taken under the process or authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals or disposes of such property, is guilty of a misdemeanour.

Removal, etc. of property under lawful seizure.

137. Any person who wilfully breaks, removes or renders ineffective any seal affixed by order of a public authority or of a court, is guilty of a misdemeanour and is liable to imprisonment for two years :

Breaking of seals.

Provided that if the offender was entrusted with the custody of the seal he is liable to imprisonment for three years.

Negligent  
keeping of seals.

138. Any person who, having been entrusted with the custody of a seal affixed by order of a public authority or of a court, negligently allows it to be broken, removed or rendered ineffective, is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of fifty pounds.

Obstructing  
court officers.

139. Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court, is guilty of a misdemeanour and is liable to imprisonment for one year.

CHAPTER XV.

*Miscellaneous Offences against Public Authority.*

Frauds and  
breaches of trust  
by public  
officers.

140. Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public whether such fraud or breach of trust would have been criminal or not if committed against a private person, is guilty of a misdemeanour.

Neglect of  
official duty.

141. Any person employed in the public service who wilfully neglects to perform any duty which he is bound by law to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, is guilty of a misdemeanour.

Disobedience to  
statutory duty.

142. Every person who wilfully disobeys any law by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, is guilty of a misdemeanour and is liable, unless it appears from the law that it was the intention to provide some other penalty for such disobedience, to imprisonment for two years or to a fine of one hundred pounds or to both such penalties.

Disobedience of  
lawful orders.

143. Every person who disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of a misdemeanour and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for two years.

Insults to public  
officers.

144. Any person who by means of gestures, words, or acts, insults persons employed in the public service or a judge or officer of a religious court while he is engaged in the performance of his duties or in connection with his duties, is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of twenty pounds.

Instigation to  
the non-payment  
of notified  
liability.

145.—(1) Any person who by words either spoken or written, or by signs, or by visible representations, or otherwise, instigates expressly or by implication any person, or class of persons, not to pay or to defer payment of any notified liability, and any person who does any act with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons in any manner whatsoever, is

Section 142: Cr.A.D.C., Jm. 94/43, 1943 S.O.D.O. 253.  
Section 143: Cr.A.D.C., Jm. 83/44, 1944 S.O.D.O. 360.  
" " " " , Ja. 117/44, 1945 S.O.D.O. 194.  
" " " " , Jm. 31/46, 1946 S.O.D.O. 741.  
Section 144: Cr.A.D.C., Ja. 90/42, 1943 S.O.D.O. 307.



guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine of fifty pounds, or to both such penalties.

(2) For the purposes of this section "notified liability" means any liability notified by the High Commissioner in Council by a notice in the *Gazette*.

DIVISION III.—OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL.

CHAPTER XVI.

*Offences relating to Religion and Public Monuments.*

146. Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanour.

Insult to religion of any class.

147. Any person who wilfully and without lawful justification or excuses, the proof of which lies on him, disturbs any meeting of persons lawfully assembled for religious worship or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled, is guilty of a misdemeanour and is liable to imprisonment for two months or to a fine of twenty pounds.

Disturbing religious worship.

148. Every person, who with the intention of wounding the feeling of any person and of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of misdemeanour.

Trespassing on burial places

149. Any person who :—

(a) publishes any print, writing, picture or effigy calculated or tending to outrage the religious feelings or belief of other persons;

(b) utters in a public place in the hearing of another person any word or sound calculated or tending to outrage the religious feelings or belief of such other person;

is guilty of a misdemeanour and is liable to imprisonment for one year.

Outrage to religious feelings.

150. Any person who demolishes, destroys, pulls down or damages any building or monument intended for public use or ornament, is guilty of a misdemeanour.

Destroying or damaging public buildings and monuments.

Section 147: Cr.C., Ha. 196/44, 1944 S.O.D.O. 623-4.

Section 149(b): Cr.A. 82/41, 10 Ct. L.R. 13.

CHAPTER XVII.

*Offences against Morality.*

Interpretation  
of brothel.

151. For the purpose of this chapter any house, room or set of rooms in any house which is occupied or frequented by two or more females for the purpose of prostitution shall be deemed to be a brothel.

Rape, sexual and  
unnatural  
offences.

152.—(1) Any person who :—

(a) has unlawful sexual intercourse with a female against her will by the use of force or threats of death or severe bodily harm, or when she is in a state of unconsciousness or otherwise incapable of resisting; or

(b) commits an act of sodomy with any person against his will by the use of force or threats of death or severe bodily harm, or when he is in a state of unconsciousness or otherwise incapable of resisting; or

(c) has unlawful sexual intercourse or commits an act of sodomy with a child under the age of sixteen years,  
is guilty of a felony and is liable to imprisonment for fourteen years. If such felony is committed under paragraph (a) hereof it is termed rape :

Provided that it shall be a sufficient defence to any charge of having unlawful sexual intercourse with a female under paragraph (c) of this subsection if it shall be made to appear to the court before which the charge shall be brought that the person so charged had reasonable cause to believe that the female was of or above the age of sixteen years.

(2) Any person who :—

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

(c) permits a male person to have carnal knowledge of him or her against the order of nature,

is guilty of a felony, and is liable to imprisonment for ten years.

Rape by  
deception.

153. Any person who has unlawful sexual intercourse with a female whom he knows to be insane or imbecile, or with a female whose consent has been obtained by threats or deception as to the nature of the act or as to the person committing it, is guilty of a felony, and is liable to imprisonment for ten years.

Attempt to com-  
mit rape, etc.

154. Any person attempting to commit an offence under either of the two preceding sections is guilty of a felony and is liable to imprisonment for seven years.

- Section 151:* Cr.A. 157/45, 12 P.L.R. 475.  
Cr.A.D.C., TA. 8/44, 1944 S.C.D.C. 593.  
" " " TA. 84/44, 1945 S.C.D.C. 79.
- Section 152(1)(a):* Cr.A. 13/38, 5 P.L.R. 69.  
" " 54/38, 5 P.L.R. 338.  
" " 75/39, 7 P.L.R. 15; 7 Ct. L.R. 29.
- Section 152(1)(c):* Cr.A. 13/38, 5 P.L.R. 69.  
" " 54/38, 5 P.L.R. 338.  
" " 122/43, 10 P.L.R. 590; 1943 A.L.R. 770.  
" " 106/44, 11 P.L.R. 461.  
" " 151/44, 1945 A.L.R. 268; 11 P.L.R. 629.  
Cr.C., Ha. 246/44, 1944 S.C.D.C. 602.
- Section 152(2)(a):* Cr.A. 54/38, 5 P.L.R. 338.  
" " 31/47, 1947 A.L.R. 458.
- Section 153:* Cr.A. 67/39, 9 P.L.R. 4; 7 Ct. L.R. 19.
- Section 154:* Cr.A. 138/40, 9 Ct. L.R. 75.



155. Any person who has unlawful sexual intercourse, or aids or abets another to have such intercourse, with an unmarried girl who is above the age of sixteen and under the age of twenty-one years and is his descendant or the descendant of his wife, or is his ward, or has been entrusted to him for the purpose of education or supervision, is guilty of a felony and is liable to imprisonment for five years.

Illicit relation with unmarried girl.

156.—(1) Any person who, being married to a girl under the age of fifteen years completed:—

Intercourse by husband with girl under fifteen years.

(a) has sexual intercourse with her, or

(b) endeavours to facilitate such intercourse by any instrument or other physical means,

is guilty of a misdemeanour and is liable to imprisonment for two years.

(2) It shall be a good defence to a charge brought under paragraph (a) of sub-section (1) hereof that notwithstanding the fact that the female is under fifteen years completed,

(i) she has reached puberty, and

(ii) prior to such intercourse, a certificate (which certificate shall be deemed to be a certificate within the meaning of section 12 of the Medical Practitioners Ordinance, 1928) had been obtained from a medical practitioner licensed to practise medicine under the Medical Practitioners Ordinance, 1928, that no physical ill effects would be likely to follow the consummation of the marriage by her.

157. Any person who commits or attempts to commit an indecent act upon the person of another against his will by the use of force or threats, or when he is in a state of unconsciousness or otherwise incapable of resisting, or by use of force or threats compels a person to commit or to submit to any indecent acts, is guilty of a felony and is liable to imprisonment for five years.

Indecent act with force, et

158. Any person who commits or attempts to commit an indecent act upon the person of another without his consent, but without force or threats, or where consent is obtained by deception as to the nature of the act or as to the person by whom it is committed, or induces or attempts to induce any person whom he knows to be insane or imbecile to commit or to submit to any indecent act, is guilty of misdemeanour and is liable to imprisonment for two years or to a fine of one hundred pounds.

Indecent act without force.

159. Any person who commits an indecent act upon any person under the age of sixteen years is guilty of a misdemeanour and is liable to imprisonment for three years.

Indecent act committed upon child.

160. Any person who does or makes any indecent act or gesture in a public place or public gathering or in such a way that it may be seen by a person in a public place, is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of fifty pounds or to both such penalties.

Indecency in public.

Section 157: Cr.A. 54/38, 5 P.L.R. 338.

" " 132/42, 9 P.L.R. 613.

Section 158: Cr.A. 45/47, 1947 A.L.R. 482.

Cr.A.D.C., Ha 97/43, 1943 S.C.D.O. 224. 325

Section 159: Cr.A. 132/42, 9 P.L.R. 613.

" " 106/44, 11 P.L.R. 461.

Procuration  
for immoral  
purposes.

161. Any person who:—

- (a) procures or attempts to procure any female under the age of twenty years, not being a common prostitute or of known immoral character, to have unlawful sexual intercourse, either within or without Palestine, with any other person; or
- (b) procures or attempts to procure any female to become, either within or without Palestine, a common prostitute; or
- (c) procures or attempts to procure any female to leave Palestine, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- (b) procures or attempts to procure any person under the age of sixteen years to commit sodomy; or
- (c) procures or attempts to procure any female to leave her usual place of abode in Palestine, such place not being a brothel, with intent that she may, for the purpose of prostitution, become an inmate of or frequent a brothel, within or without Palestine;

is guilty of a misdemeanour.

Procuring  
defilement of  
females by  
threats, fraud or  
administering

162. Any person who:—

- (a) by threats or intimidation, procures or attempts to procure any female to have unlawful sexual intercourse within or without Palestine; or
- (b) by false pretences or false representations, procures any female, not being a common prostitute or of known immoral character, to have any unlawful sexual intercourse either within or without Palestine; or
- (c) applies, administers to, or causes to be taken by any female any drug, matter or thing with intent to stupefy or overpower, so as thereby to enable any person to have unlawful sexual intercourse with such female;

is guilty of a misdemeanour.

Keeping of  
brothel.

163. Any person who:—

- (a) keeps or manages, or acts or assists in the management of a brothel; or
- (b) being the tenant or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purpose of habitual prostitution; or
- (c) being the landlord of any premises or the agent of such landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel;

is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of one hundred pounds, or to both such penalties, and on a

Section 163: Cr.A. 67/41, 8 P.L.R. 223.  
" " 91/45, 12 P.L.R. 336.  
" " 167/45, 1945 A.L.R. 786.  
Cr.A.D.C., Ja. 135/43, 1944 S.C.D.C. 17.  
" " ", TA. 8/44, 1944 S.C.D.C. 592-3.  
" " ", TA. 84/44, 1945 S.C.D.C. 79.



second or subsequent conviction to imprisonment for six months or to a fine of two hundred and fifty pounds, or to both such penalties.

164.—(1) Upon the conviction of the tenant of any premises of keeping or managing, or acting or assisting in the management of, a brothel upon the premises or any part thereof, or of knowingly permitting the premises or any part thereof to be used as a brothel or for the purpose of habitual prostitution, notification of the conviction shall be sent to the landlord who shall be entitled forthwith to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination. If the landlord so determines the lease or other contract of tenancy, the court which has convicted the tenant shall have power to make a summary order for delivery of possession to the landlord.

Determination of tenancy of premises on conviction for permitting use as brothel.  
Gaz: 20.11.46,  
p. 231.

(2) If the landlord after such conviction has been brought to his notice fails to exercise his rights under the foregoing provisions of this section, and subsequently, during the subsistence of the lease or contract, any such offence is again committed in respect of the premises, the landlord shall be deemed to be a party to the continued use of the premises as a brothel.

(3) Where a landlord determines a lease or other contract under the powers conferred by this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted therein all reasonable provisions for the prevention of recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section; and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed for the purpose of this section to have been committed during the subsistence of the previous lease or contract.

165. Any person having the custody or care of a child between the ages of two and sixteen years who allows the child to reside in or frequent a brothel, is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of twenty-five pounds.

Permitting child to reside in brothel.

166.—(1) Any male person who lives wholly or in part on the earnings as a prostitute of a female is guilty of a misdemeanour.

Living on earnings of prostitute.

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute; or is proved to have exercised control or influence over the movements of a prostitute in such manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of a prostitute.

167.—(1) Any person who, by word or gesture, solicits for immoral purposes any person who is in a public place, is guilty of a misdemeanour and is liable to imprisonment for one month or to a fine of five pounds.

Solicitation.

(2) The parent or guardian of a child whether male or female under the age of sixteen years, or any other person entrusted with the charge or care of such child, who aids or abets such child to commit the offence mentioned in this section, is guilty of a misdemeanour and is liable to imprisonment for six months or to a fine of fifty pounds.

Indecent suggestions.

168. Any person who addresses indecent suggestions to any person under the age of sixteen years or to any female is guilty of a misdemeanour and is liable to imprisonment for one month.

Male entering women's apartments in female dress.

169. Any male person who in female dress enters an apartment reserved for women is guilty of a misdemeanour and is liable to imprisonment for one year.

Detention with intent or in brothel.

170. Any person who detains any woman against her will :—

(a) in or upon any premises with intent that she may have unlawful sexual intercourse with any man, whether any particular man or generally; or

(b) in any brothel;

is guilty of a misdemeanour and is liable to imprisonment for two years.

Constructive detention by withholding clothes.

171.—(1) When a woman is in or upon any premises for the purpose of having any unlawful sexual intercourse or is in any brothel, a person shall be deemed to detain such woman in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, he withholds from such woman any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman by or by the directions of such person, he threatens such woman with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

(2) No legal proceedings, whether civil or criminal, shall be taken against any such woman for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Search warrant.

172.—(1) A Magistrate may issue a search warrant authorising the person named in the warrant to make search in any house or premises if he has reason to believe that : —

(a) such premises are being used for any purpose contrary to the provisions of this chapter; or

(b) any person is detained, concealed or present therein with regard to whom any offence under this chapter is believed to have been committed or to be in contemplation.

(2) If upon such search any person is found upon the premises with regard to whom an offence under this chapter is believed to have been committed or to be contemplated, such person may be detained by the police in a place of safety pending enquiries, or may by order of the Magistrate be delivered up to his or her parents or guardians or otherwise dealt with as circumstances may permit or require.

(3) The provisions of sections 18 to 22 inclusive of the Arrest of Offenders and Searches Ordinance, 1924, shall apply to warrants issued under this section, but the provisions of section 17 thereof shall not apply.

(4) For the purpose of this section the term "premises" shall be deemed to include any ship, boat, railway train, carriage or other vehicle.



(5) A woman shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of having unlawful sexual intercourse with any man, whether any particular man or generally, and :

- (a) either is under the age of sixteen years; or
- (b) if she is of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or
- (c) if she is of or over the age of eighteen years and is so detained against her will.

173. Every woman who is proved to have for the purpose of gain exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, is guilty of a misdemeanour.

Woman aiding, etc., for gain prostitution of another woman.

174. Any person who conspires with another to induce any female, by means of any false pretence or other fraudulent means, to permit any person to have unlawful sexual intercourse with her, is guilty of a misdemeanour.

Conspiracy to defile.

175. Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts to procure abortion.

176. Any person who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

The like by woman herself

177. Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour.

Supplying drugs or instruments to procure abortion.

178. Except as otherwise expressly stated, it is immaterial in the case of any of the offence committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

Knowledge of age of female immaterial.

179. Any person who :—

- (a) sells or has in his possession for sale, hire or distribution, or prints or reproduces in any other manner for sale, hire, or distribution any obscene printed or written matter, or any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals; or
- (b) exposes to view or distributes for exhibition in a public place any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals; or
- (c) carries on or takes part in any business for the sale or publication or exhibition of any obscene printed or written matter, or picture,

Obscene publications.

photograph, drawing or model, or other object tending to corrupt morals; or

(d) advertises or makes known by any means whatsoever that a person is engaged in the sale, printing, reproduction, exhibition, or distribution of any such obscene matter or thing or that such obscene matter or thing can be procured either directly or indirectly from any person;

is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of one hundred pounds, or to both such penalties.

### CHAPTER XVIII.

#### *Offences relating to Marriage and Domestic Obligations.*

Fraudulent  
pretence of  
marriage.

180. Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to co-habit or have sexual intercourse with him in that belief, is guilty of a felony and is liable to imprisonment for ten years.

Bigamy.  
Gaz: 15.3.47,  
p. 1.

181. Any person who, having a husband or wife living, marries any other person during the life of such husband or wife (whether or not the subsequent marriage is void or voidable) is guilty of the felony of bigamy and is liable to imprisonment for five years:

Provided that it is a good defence to a charge under this section to prove:—

(a) that the former marriage had been declared void by a court of competent jurisdiction or by a competent ecclesiastical authority; or

(b) except where the law as to marriage applicable to the wife or husband, as the case may be, at the date of the subsequent marriage was Jewish law, the continuous absence of the former husband or wife, as the case may be, at the date of the subsequent marriage, for the period of seven years then last passed without knowledge or information that such former husband or wife was alive within that period; or

(c) that the law as to marriage applicable to the husband both at the date of the former marriage and at the date of the subsequent marriage was a law other than Jewish law and allowed him to have more than one wife; or

(d) that the law as to marriage applicable to the husband both at the date of the former marriage and at the date of the subsequent marriage was Jewish law and that a final decree of a Rabbinical Court of the Jewish Community, ratified by the two Chief Rabbis for Palestine and giving permission for the subsequent marriage, had been obtained prior to the subsequent marriage.

Celebration of  
certain mar-  
riages, etc.,  
punishable.

182. Any person who:—

(a) knowingly celebrates or is a party to the celebration of a marriage otherwise than in accordance with the law applicable to the parties to such marriage; or

Section 181: Cr.A. 59/46, 1946 A.L.R. 365; 13 P.L.R. 363.

Probate No. 203/43 TA. 1944 S.C.D.C. 78.

Section 181(c): Cr.A. 85/38, 6 P.L.R. 34; 5 Ct. L.R. 125.

" " 11/40, 7 P.L.R. 147; 7 Ct. L.R. 118.



(b) marries, celebrates or in any capacity assists at or in connection with the celebration of a marriage of a female who is under the age of fifteen years completed; or

(c) marries, celebrates or in any capacity assists at or in connection with the marriage of a female who is under the age of eighteen years completed without having first ascertained that the parents or guardians of such female have consented thereto.

is guilty of a misdemeanour and is liable to imprisonment for six months.

183. It shall be a good defence to a charge brought under paragraph (b) of section 182 of this Code to prove:—

Defences in certain cases.

(a) that the marriage took place with the consent of any living parents or guardians of the female, and

(b) that at the time of the marriage the female had reached puberty, and

(c) that at the time of the marriage a certificate (which certificate shall be deemed to be a certificate within the meaning of section 12 of the Medical Practitioners Ordinance, 1928) had been produced from a medical practitioner licensed to practise under the Medical Practitioners Ordinance, 1928, that no physical ill effects would be likely to follow the consummation of the marriage by the female.

184. Any person who unlawfully abandons or exposes any child under the age of two years, whereby the life of the child is endangered or its health has been or is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for five years.

Exposure of child.

185. Any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessaries for such child, so as thereby to injure the health of such child, is guilty of misdemeanour.

Neglecting to provide food, etc., for children.

186. Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour.

Desertion of children.

187. Any person who being legally liable either as master or mistress to provide for any apprentice or servant necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

Master not providing for servants or apprentices.

188. Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child:—

Child stealing.

(a) forcibly or fraudulently takes or entices away, or detains the child; or

(b) receives or harbours the child, knowing it to have been so taken or enticed away or detained;

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or in the case of an illegitimate child, is its mother or claimed to be its father.

## CHAPTER XIX.

### *Nuisances.*

Common  
nuisance.

189. Any person who does an act not authorised by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, is guilty of a misdemeanour and is liable to imprisonment for one year. Such misdemeanour is termed a common nuisance,

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

Gaming houses.

190.—(1) Any person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is said to keep a common gaming house.

(2) In this section "unlawful gaming" includes every game of cards which is not a game of skill, and any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house is guilty of a misdemeanour.

(4) Any person other than the persons mentioned in subsection (1) hereof who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawfully gaming and is guilty of a misdemeanour and is liable to a fine of five pounds for the first offence, and for each subsequent offence to a fine of ten pounds or imprisonment for three months, or to both such penalties.

(5) Any device, machine or thing used or apparently used or intended to be used for the purpose of unlawful gaming found in or upon any house, room or place kept or alleged to be kept or used for the purpose of unlawful gaming, may be seized by a police officer and upon the trial of any person in connection with the keeping or use of such house, room or place, contrary to the provisions of this Code, the court may make such order as to the forfeiture, destruction or return of any device, machine or thing as the court seems just.

Section 189: Cr.A.D.C., Jm. 46/46, 1946 S.C.D.C. 809.

Section 190: Cr.A. 61/46, 13 P.L.R. 404; 1944 A.L.R. 112.



191.—(1) Any person who opens, keeps or uses any place for carrying on a lottery of any kind whatever, is guilty of a misdemeanour.

Lotteries.

(2) Any person who prints or publishes, or causes to be printed or published, any advertisement or other notice of or relating to any lottery, or of or relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery or sells or offers for sale any such ticket or chance, is guilty of a misdemeanour and is liable to a fine of fifty pounds.

(3) In this section the term "lottery" includes any scheme or device for the sale, gift, disposal or distribution of any property depending upon or to be determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers or figures, or by means of a wheel or trained animal, or otherwise howsoever.

(4) A prosecution for any offence under this section shall not be instituted except by or with the consent of the Attorney General.

(5) The provisions of this section shall not apply to any lottery permission to hold which has previously been obtained from the High Commissioner.

192. Any person who appears, acts or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms or place as is mentioned in section 190 or 191 of this Code is to be taken to be the keeper thereof, whether he is or is not the real keeper.

Keeper of premises defined.

193. Any person who :—

- (a) behaves in a disorderly or indecent manner in any public place;
- (b) is found wandering or placing himself in any public place to beg or gather alms, whether by the exposure of wounds or deformation or by any other means whatsoever, or causing, procuring or encouraging any child under the age of sixteen years so to do;
- (c) is found going about as a gatherer or collector of alms or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence;
- (d) in any public place conducts himself in a manner likely to cause a breach of the peace;
- (e) is found wandering in or upon or near any premises, or in any road or highway or any place adjacent thereto, or in any public place at such time and under such circumstances as to lead to the conclusion that he is there for an illegal or disorderly purpose;

Idle and disorderly persons begging, etc.  
Gaz: 20.11.4  
p. 231.

is guilty of a misdemeanour and is liable for the first offence to imprisonment for one month, and for any subsequent offence to imprisonment for one year.

194. Any person who, not being a person serving in the Military Forces or in the Police Forces of Palestine, wears the uniform of any of these forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to wear such uniform or dress is guilty of a mis-

Bringing contempt on uniform.

Section 191: Cr.A.D.C., TA. 21/46, 1946 S.C.D.C. 174.

Section 193(e): Cr.A.D.C., Jm. 98/46, 1946 S.C.D.C. 649.

demeanour and is liable to imprisonment for three months or to a fine of ten pounds.

Negligent act likely to spread infection or disease.  
Gaz: 28.12.44, p. 174.

195. Any person who wilfully or negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life or of any venereal disease is guilty of a misdemeanour.

Sale of things unfit for food or drink.

196.—(1) Any person who sells as food or drink, or has in his possession with intent to sell it as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, or is in a state unfit for food or drink, is guilty of a misdemeanour and is liable to imprisonment for one year.

Adulteration of food or drink intended for sale.

(2) Any person who adulterates any article of food or drink so as to make such article noxious, intending to sell such article or knowing it to be likely that the same will be sold as food or drink, is guilty of a misdemeanour and is liable to imprisonment for one year.

Selling food which is unclean.

197. Any person who being a vendor by retail of articles of food or drink, or being the keeper of a hotel, lodging house, restaurant or other establishment for the sale of food or drink, to be consumed on the premises—

(a) fails to preserve the cleanliness of the articles of food or drink supplied by him; or

(b) contravenes any by-law or regulation of the Government or any municipal authority concerning public health;

is guilty of a contravention and is liable to imprisonment for one week or to a fine of five pounds; and in case of a second or other offence, is guilty of a misdemeanour and is liable to imprisonment for fifteen days and to a fine of ten pounds.

The court convicting the offender may order the destruction of any articles of food or drink unfit for food.

Fouling water.

198. Any person who corrupts or fouls the water of any spring, stream, well, tank, reservoir or place, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of misdemeanour and is liable to imprisonment for six months.

Fouling air.

199. Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour.

Offensive trades.

200. Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, is liable to be punished as for a common nuisance.

## CHAPTER XX.

### *Defamation.*

Definition of libel.

201.—(1) Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds,

Section 195: Cr.A.D.C., Ha. 18/45, 1945 S.C.D.C. 218.

Section 201: Cr.A.D.C., TA. 32/45, 1946 S.C.D.C. 387.



unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of misdemeanour. Such misdemeanour is termed libel.

(2) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed to be exhibited, communicated or distributed to two or more persons collected together or separately.

Communication by open letter or postcard, whether sent to the person defamed or to any other person, constitute publication.

202.—(1) Any person who unlawfully publishes any defamatory matter concerning another person by spoken words with intent to defame that other person, is guilty of a misdemeanour and is liable to imprisonment for one year. Such misdemeanour is termed slander.

Definition of slander.

(2) A person publishes a slander if he utters the words publicly in the presence of the person attacked in an assembly, or in a place where other persons would be able to hear, or, in the absence of the person attacked, by communication to two or more persons collected together or separately.

203.—(1) Matter is defamatory which imputes to a person any crime or misconduct in any public office or which is likely to injure him in his occupation, calling or office, or to expose him to general hatred, contempt or ridicule.

Definition of defamatory matter.

(2) In this section "crime" means any offence punishable under this Code, and any act punishable under any law in force within Palestine and also any act, wheresoever committed, which if committed by a person within Palestine would be punishable under any law in force within Palestine.

(3) It is not necessary for libel or slander that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning, and its application to the person alleged to be defamed, can be collected either from the alleged libel or slander itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

204. Every person who publishes or threatens to publish any libel concerning any other person, or directly or indirectly threatens to print or publish or directly or indirectly proposes to abstain from printing or publishing any matter or thing touching any other person, with intent to extort any money, or security for money, or valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, is guilty of misdemeanour.

Publishing or threatening to publish libel, or proposition to abstain from publishing anything with intent to extort.

205. Any publication of defamatory matter concerning a person is unlawful, within the meaning of this chapter, unless:—

Definition of unlawful publication.

(a) the matter is true and it was for the public benefit that it should be published; or

(b) it is privileged on one of the grounds hereafter mentioned in this chapter.

Cases in which publication of defamatory matter is absolutely privileged.

206.—(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases:—

- (a) if the matter is published by the High Commissioner or by the Executive Council or the Legislative Council or the Advisory Council, in any official document or proceeding; or
- (b) if the matter is published in the Executive Council or the Legislative Council or the Advisory Council by the High Commissioner or by any member of any such Council; or
- (c) if the matter is published by order of the High Commissioner in Council; or
- (d) if the matter is published concerning a person subject to military, naval or police discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or
- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a Judge or Magistrate, or as an advocate, witness or party to such proceedings; or
- (f) if the matter published is in fact a fair report of anything said, done or published in the Executive Council or the Legislative Council or the Advisory Council; or
- (g) if the matter published is in fact a fair report of anything said, done or shown in any judicial proceedings before any court :  
Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or
- (h) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the provisions of this section; or
- (i) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purpose of this chapter whether the matter be true or false, and whether it be or be not published in good faith :

Provided that nothing in this section shall exempt a person from any liability to punishment under any other chapter of this Code or under any other law.

Cases in which publication of defamatory matter is conditionally privileged.

207. A publication of defamatory matter is privileged, on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases:—



- (a) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity or as to his personal character so far as it appears in such conduct; or
- (b) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or
- (d) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published or publicly done or made, or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (e) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct; or
- (f) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (g) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

208. A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section, if it is made to appear either :—

Explanation as to good faith.

- (a) that the matter was untrue, and that he did not believe it to be true; or
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

Presumption as to good faith.

209. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is proved.

## CHAPTER XXI.

### *Intimidation in Industrial Disputes.*

Definitions of industrial dispute and association.

210. In this chapter unless the context otherwise requires :—

- (a) "Industrial dispute" means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or nonemployment, or terms of the employment, or with the conditions of labour of any person, but no dispute which has for its cause or one of its causes any objection by any workmen to the employment by any employer of any other workmen on the ground of the race, religion or language of such other workmen shall be deemed to be an industrial dispute.
- (b) "Workman" includes any person employed in trade or industry, whether or not in the employment of the employer with whom an industrial dispute arises;
- (c) "Association" means any association registered under the Ottoman Law of Societies, dated the 29th Rajab, 1327, the Co-operative Societies Ordinance, 1920, or the Companies Ordinance, 1929, which has amongst its objects the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters.

Wrongful interference with exercise of right.

211. Any person who, wrongfully and with a view to compelling any person to do any act which he is not legally bound to do or to abstain from doing any act which he has a legal right to do :—

- (a) uses violence to or intimidates such other person or his wife or children, or injures his property; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (e) follow such other person in a disorderly manner in or through any street or road;

is guilty of a misdemeanour and shall be liable to imprisonment for one year or to a fine of one hundred pounds or to both such penalties :

Exception for peaceful picketing.

Provided that it shall be lawful for one or more persons acting on their own behalf or on behalf of any association, or of an industrial employer or firm, in contemplation of furtherance of an industrial dispute, to attend at or near a house or place where a person works or carries on business, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

Section 209: Cr.A.D.C., TA. 32/45, 1946 S.O.D.O. 392.

Section 210: Cr.A.D.C., Ha. 67/44, 1944 S.O.D.O. 515.

Section 211(c): Cr.A.D.C., Ha. 67/44, 1944 S.O.D.O. 515.



DIVISION IV.—OFFENCES AGAINST THE PERSON.

CHAPTER XXII.

*Murder and Manslaughter.*

212. Subject to the provisions of section 214 of this Code, any person who by an unlawful act or omission causes the death of another person is guilty of a felony. Such felony is termed manslaughter. Manslaughter.

213. Any person convicted of manslaughter is liable to imprisonment for life. Punishment for manslaughter.

214. Any person who :— Murder.

(a) by any unlawful act or omission wilfully causes the death of his father or mother or grandfather or grandmother, or

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- Section 212: Cr.A. 88/37, 2 *Ct. L.R.* 82.  
 " " 14/38, 5 *P.L.R.* 129.  
 " " 1/39, 6 *P.L.R.* 51; 5 *Ct. L.R.* 66.  
 " " 127/40, 7 *P.L.R.* 593; 9 *Ct. L.R.* 39.  
 " " 13/41, 8 *P.L.R.* 68.  
 " " 23/41, 8 *P.L.R.* 122; 10 *Ct. L.R.* 69.  
 " " 66/41, 8 *P.L.R.* 220; 10 *Ct. L.R.* 81 and 145.  
 " " 71/41, 8 *P.L.R.* 229; 10 *Ct. L.R.* 71.  
 " " 126/41, 8 *P.L.R.* 478.  
 " " 18/42, 12 *Ct. L.R.* 69.  
 " " 46/42, 11 *Ct. L.R.* 247.  
 " " 163/42, 9 *P.L.R.* 663.  
 " " 174/42, 10 *P.L.R.* 11; 1943 *A.L.R.* 276.  
 " " 21/43, 10 *P.L.R.* 132; 1943 *A.L.R.* 127.  
 " " 56/44, 1944 *A.L.R.* 447.  
 " " 100/44, 1944 *A.L.R.* 823.  
 " " 21/45, 1945 *A.L.R.* 458.  
 " " 179/45, 1946 *A.L.R.* 22.  
 " " 95/46, 1946 *A.L.R.* 565.  
 " " 117/46, 13 *P.L.R.* 515.  
 " " 121/46, 13 *P.L.R.* 635; 1947 *A.L.R.* 59-62.  
 " " 24/47, 1947 *A.L.R.* 329.
- Section 213: Cr.A. 88/37, 2 *Ct. L.R.* 82.  
 " " 127/40, 7 *P.L.R.* 593; 9 *Ct. L.R.* 39.  
 " " 66/41, 8 *P.L.R.* 220; 10 *Ct. L.R.* 81 and 145.  
 " " 71/41, 8 *P.L.R.* 229; 10 *Ct. L.R.* 71.  
 " " 126/41, 8 *P.L.R.* 478.  
 " " 56/44, 1944 *A.L.R.* 447.  
 " " 100/44, 1944 *A.L.R.* 823.  
 " " 95/46, 1946 *A.L.R.* 565.
- Section 214(a) Cr.A. 14/38, 5 *P.L.R.* 129.  
 " " 54/41, 8 *P.L.R.* 205; 10 *Ct. L.R.* 93.  
 " " 199/42, 10 *P.L.R.*; 143 *A.L.R.* 3.  
 " " 8/44, 11 *P.L.R.* 63.  
 " " 14/44, 11 *P.L.R.* 65.  
 " " 26/44, 11 *P.L.R.* 87; 1944 *A.L.R.* 136.  
 " " 97/44, 11 *P.L.R.* 445.  
 " " 95/46, 13 *P.L.R.* 437.  
 " " 8/47, 14 *P.L.R.* 47.  
 " " 12/47, 14 *P.L.R.* 63; 1947 *A.L.R.* 215.  
 " " 42/47, 1947 *A.L.R.* 422.

(b) with premeditation causes the death of any person, or

(c) wilfully causes the death of any person in preparing for or to facilitate the commission of an offence or in the commission of an offence, or

(d) where an offence has been committed causes the death of any person in order to secure the escape or avoidance of punishment in connection with such offence of himself or of any other person associated with him as a principal or as an accessory in the commission of such offence,

is guilty of a felony. Such felony is termed murder.

Punishment  
for murder.

215. Any person convicted of murder shall be sentenced to death :

Provided that where a woman convicted of murder is found upon evidence to the satisfaction of the court to be pregnant, she shall be sentenced to imprisonment for life.

Premeditation.

216. For the purpose of section 214 of this Code a person is deemed to have killed another person with premeditation when :—

- Section 214 (b)* Cr.A. 35/37, 1 Ct. L.R. 136.  
" " 17/38, 5 P.L.R. 249.  
" " 16/39, 6 P.L.R. 200; 5 Ct. L.R. 174.  
" " 68/39, 7 Ct. L.R. 7.  
" " 3/40, 3 Ct. L.R. 38.  
" " 8/40, 7 Ct. L.R. 41.  
" " 57/40, 7 P.L.R. 359; 7 Ct. L.R. 140.  
" " 91/40, 8 Ct. L.R. 103.  
" " 2/41, 8 P.L.R. 43; 9 Ct. L.R. 89.  
" " 8-9/41, 8 P.L.R. 66; 10 Ct. L.R. 135.  
" " 13/41, 8 P.L.R. 68.  
" " 21/41, 8 P.L.R. 89.  
" " 83/41, 8 P.L.R. 267; 10 Ct. L.R. 102.  
" " 4/42, 9 P.L.R. 44.  
" " 9/42, 9 P.L.R. 46; 11 Ct. L.R. 10.  
" " 10/42, 9 P.L.R. 49; 11 Ct. L.R. 149.  
" " 12/42, 11 Ct. L.R. 18.  
" " 152/42, 12 Ct. L.R. 179.  
" " 39/43, 10 P.L.R. 212; 1943 A.L.R. 357.  
" " 106/43, 11 P.L.R. 8.  
" " 123/43, 10 P.L.R. 539; 1943 A.L.R. 725.  
" " 14/44, 11 P.L.R. 65.  
" " 26/44, 1944 A.L.R. 136.  
" " 38/44, 11 P.L.R. 140.  
" " 56/44, 1944 A.L.R. 444.  
\* \* \* " 118/45, 1945 A.L.R. 691.  
" " 19/46, 14 P.L.R. 60.  
" " 54/46, 13 P.L.R. 266.  
" " 48/47, 1947, A.L.R. 411.
- Section 214 (c)* : Cr.A. 160/37, 5 P.L.R. 111.  
" " 84/41, 10 Ct. L.R. 86.  
" " 30/43, 10 P.L.R. 188; 1943 A.L.R. 309.  
" " 124/43, 10 P.L.R. 559; 1943 A.L.R. 660.  
" " 57/44, 11 P.L.R. 184; 1944 A.L.R. 441.  
" " 100/44, 11 P.L.R. 495; 1944 A.L.R. 820.  
" " 38/47, 14 P.L.R. 236.
- Section 214 (d)* : Cr.A. 37/42, 9 P.L.R. 207; 12 Ct. L.R. 112.  
" " 129/43, 10 P.L.R. 596; 1943 A.L.R. 743.
- Section 215* : Cr.A. 35/37, 1 Ct. L.R. 136.  
" " 160/37, 5 P.L.R. 111.
- Section 216* : Cr.A. 35/37, 1 Ct. L.R. 136.  
" " 17/38, 5 P.L.R. 249.  
" " 16/39, 6 P.L.R. 200; 5 Ct. L.R. 174.



- (a) he has resolved to kill such person or to kill any member of the family or of the race to which such person belongs, provided that it shall not be necessary to show that he resolved to kill any particular member of such family or race, and
- (b) he has killed such person in cold blood without immediate provocation in circumstances in which he was able to think and realise the result of his actions, and
- (c) he has killed such person after having prepared himself to kill such person or any member of the family or race to which such person belongs, or after having prepared the instrument, if any, with which such person was killed.

In order to prove premeditation it shall not be necessary to show that an accused person was in any state of mind for any particular period or within any particular period before the actual commission of the crime, or that the instrument, if any, with which the crime was committed was prepared at any particular time before the actual commission of the crime.

217. An unlawful omission is an omission amounting to culpable negligence to discharge a duty, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

Unlawful omission.

218. Any person who by want of precaution or by any rash or careless act, not amounting to culpable negligence, unintentionally causes the death of another person, is guilty of a misdemeanour and is liable to imprisonment for two years or to a fine of one hundred pounds.

Causing death by want of precaution or by carelessness.

219. A person is deemed to have caused the death of another person although his act or omission is not the immediate or not the sole cause of death, in any of the following cases:—

Causing death defined.

- (a) if he inflicts bodily injury on another which causes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;

Section 216: Cr.A. 57/40, 7 P.L.R. 359; 8 Ct. L.R. 225.

(cont'd)

- " " 98/42, 9 P.L.R. 390.
- " " 6/42, 12 Ct. L.R. 29.
- " " 146/42, 9 P.L.R. 621.
- " " 199/42, 10 P.L.R. 1; 1943 A.L.R. 3.
- " " 26/44, 11 P.L.R. 87; 1944 A.L.R. 136.
- " " 56/44, 1944 A.L.R. 446.
- " " 66/44, 1944 A.L.R. 470.
- " " 119/44, 1945 A.L.R. 69.
- " " 8/46, 1946 A.L.R. 196; 13 P.L.R. 39.
- " " 95/46, 1946 A.L.R. 565; 13 P.L.R. 43.
- " " 52/46, 1946 A.L.R. 648; 13 P.L.R. 249.
- " " 48/47, 1947 A.L.R. 411.

Section 217: Cr.A. 14/38, 5 P.L.R. 129.

- " " 23/41, 8 P.L.R. 122; 10 Ct. L.R. 69.
- " " 71/41, 8 P.L.R. 229; 10 Ct. L.R. 71.
- " " 126/41, 8 P.L.R. 478.
- " " 21/43, 10 P.L.R. 132; 1943 A.L.R. 127.
- " " 110/47, 1947 A.L.R. 413.

Cr.A.D.C., Ha. 60/45, 1945 S.O.D.O. 356.

- (b) if he inflicts a bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;
- (c) if by actual violence or threat of violence he causes a person to do some act which caused his own death, such act being a mode of avoiding such violence or threats which under the circumstances would appear natural to the person injured;
- (d) if by his act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;
- (e) if the act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

When child deemed to be a person.

220. A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the umbilical cord is severed or not.

Limitation as to time of death.

221. A person is not deemed to have killed another if the death of that other person does not take place within a year and a day of the cause of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

### CHAPTER XXIII.

#### *Offences connected with Murder and Suicide.*

Attempt to murder.

222. Any person who :—

- (a) attempts unlawfully to cause the death of another; or
- (b) with intent unlawfully to cause the death of another does any act, or omits to do any act which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life;

is guilty of a felony and is liable to imprisonment for life.

Attempt to murder by convict.

223. Any person who, being under sentence of imprisonment, attempts to commit murder, is guilty of a felony and is liable to imprisonment for life.

Section 222 (a) : Cr.A. 118/41, 10 Ct. L.R. 143.  
 " " 32/42, 9 P.L.R. 203; 11 Ct. L.R. 143.  
 " " 163/42, 9 P.L.R. 663.  
 " " 86/43, 10 P.L.R. 477; 1943 A.L.R. 692.  
 " " 40/44, 11 P.L.R. 156.  
 " " 139/46, 1947 A.L.R. 23.  
 " " 151/46, 1947 A.L.R. 269.  
 Section 222 (b) : Cr.A. 78/37, 2 Ct. L.R. 56.



224. Any person who, knowing the contents thereof directly or indirectly causes to be received any writing threatening to kill any person, is guilty of a felony and is liable to imprisonment for seven years.

Written threats to murder.

225.—(1) Any person who attempts to kill himself is guilty of a misdemeanour.

Attempting and abetting suicide.

(2) Any person who: —

(a) procures another to kill himself; or

(b) counsels another to kill himself and thereby induces him to do so; or

(c) aids another in killing himself;

is guilty of a felony and is liable to imprisonment for life.

226.—(1) Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Conviction for infanticide in certain cases. Gaz: 28.12.39, p. 183.

(2) Nothing in this section shall affect the power of the court upon an information for the murder of a child being a child under the age of twelve months to find the accused guilty of manslaughter, or guilty but insane, or guilty of concealment of birth.

(3) The provisions of this Code relating to concealment of birth apply in the case of the acquittal of a woman upon information for infanticide as they apply upon the acquittal of a woman for murder.

227. Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after its birth, is guilty of a misdemeanour.

Concealing the birth of a child.

#### CHAPTER XXIV.

##### *Duties relating to the Preservation of Life and Health.*

228. It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

Responsibility of person who has charge of another.

229. It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

Duty of head of family.

Duty of master.

230. It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing or lodging, for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

Duty of persons in charge of dangerous acts.

231. It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

Duty of persons in charge of dangerous things.

232. It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger, and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

## CHAPTER XXV.

### *Offences endangering Life or Health.*

...abling in order to commit felony or misdemeanour.

233. Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, is guilty of a felony and is liable to imprisonment for life.

Stupefying in order to commit felony or misdemeanour.

234. Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony and is liable to imprisonment for life.

Acts intended to cause grievous harm or prevent arrests.

235. Any person who, with intent to disfigure or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of himself or any other person :—

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever; or
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a knife, or other dangerous or offensive weapon; or
- (c) unlawfully causes any explosive substance to explode; or
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or
- (e) causes any substance or thing to be taken or received by any person; or



(f) puts any corrosive fluid or any destructive or explosive substance in any place; or

(g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person;

is guilty of a felony and is liable to imprisonment for life.

236. Any person who unlawfully :—

(a) prevents or obstructs any person who is on board of, or is escaping from a vessel which is in distress or wrecked, in his endeavours to save his life; or

(b) obstructs any person in his endeavours to save the life of any person so situated;

is guilty of a felony and is liable to imprisonment for life.

Preventing escape from wreck.

237. Any person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not :—

(a) places anything on the railway; or

(b) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or

(c) shoots or throws anything at, into or upon, or causes anything to come into contact with, any person or thing on the railway; or

(d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

(e) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered;

is guilty of a felony and is liable to imprisonment for life.

Intentionally endangering safety of persons travelling by railway.

238. Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for seven years.

Grievous harm.

239. Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

Attempting to injure by explosive substances.

240. Any person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, is guilty of a felony and is liable to imprisonment for fourteen years.

Maliciously administering poison with intent to harm.

Section 235(g): Cr.A. 87/32, 9 P.L.R. 388; 12 Ct. L.R. 37.

Section 238: Cr.A. 5/39, 6 P.L.R. 40; 5 Ct. L.R. 61.

✓ " " 143/41, 9 P.L.R. 7; 11 Ct. L.R. 4.

✓ " " 33/42, 9 P.L.R. 203; 11 Ct. L.R. 143.

✓ " " 86/43, 10 P.L.R. 477; 1943 A.L.R. 692.

✓ " " 141/43, 10 P.L.R. 602; 1944 A.L.R. 84.

✓ " " 29/40, 7 P.L.R. 218; 7 Ct. L.R. 163.

✓ " " 40/40, 7 P.L.R. 285.

✓ " " 72/41, 8 P.L.R. 265; 10 Ct. L.R. 14.

✓ " " 141/43, 1944 A.L.R. 85.

✓ " " 138/45, 1946 A.L.R. 141.

✓ " " 162/46, 14 P.L.R. 5; 1947 A.L.R. 270.

✓ Cr.A.D.C., TA 106/44, 1945 S.C.D.C. 132.

Wounding and  
similar acts.

241. Any person who :—

(a) unlawfully wounds another; or

(b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person;

is guilty of a misdemeanour.

Failure to  
supply  
necessaries.

242. Any person who, being charged with the duty of providing for another necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a misdemeanour.

## CHAPTER XXVI.

### *Criminal Recklessness and Negligence.*

Reckless and  
negligent acts.

243. Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person :—

(a) drives a vehicle or rides on any public way; or

(b) navigates, or takes part in the navigation or working of, any vessel; or

(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession; or

(d) omits to take precautions against any probable danger from any animal in his possession; or

(e) gives medical or surgical treatment to any person whom he has undertaken to treat; or

(f) dispenses, supplies, sells, administers or gives away, any medicine or poisonous or dangerous matter; or

(g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he is solely or partly in charge; or

(h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his possession;

is guilty of a misdemeanour.

Other negligent  
acts causing  
harm.

244. Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine of fifty pounds or to both such penalties.

Exhibition of  
false light,  
mark or buoy.

245. Any person who exhibits any false light, mark or buoy intending or knowing it to be likely that such exhibition will mislead any navigator, is guilty of a felony and is liable to imprisonment for seven years.

Section 241: Cr.A. 72/41, 8 P.L.R. 265; 10 Ct. L.R. 41.

" " 141/43, 10 P.L.R. 602; 1944 A.L.R. 84.

" " 157/44, 12 P.L.R. 89.

Section 243(a): Cr.A. 70/41, 8 P.L.R. 252; 9 Ct. L.R. 186.

" " 144/43, 10 P.L.R. 619; 1943 A.L.R. 780.

Cr.A.D.C., Jm. 95/43, 1943 S.C.D.C. 260-1.

Section 243(d): Cr.A.D.C., Ha 230/45, 1946 S.C.D.C. 136.



246. Any person who knowingly or negligently conveys or causes to be conveyed for hire any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, is guilty of a misdemeanour.

Conveying person by water for hire in unsafe or overloaded vessel.

247. Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is guilty of a misdemeanour and is liable to a fine of fifty pounds.

Danger or obstruction in public way or line of navigation.

### CHAPTER XXVII.

#### Assaults.

248. A person who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, is said to assault that other person, and the act is called an assault. The term "applies force" includes the case of applying heat, light, electrical force, gas, odour or any other substances or thing whatever, if applied in such a degree as to cause injury or personal discomfort.

Definition of assault.

249. Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for one year, or to a fine of fifty pounds or to both such penalties.

Common assault.

250. Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour.

Assault causing actual bodily harm.

251. Any person who :—

Assault punishable with two years imprisonment.

(a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence; or

(b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty, or any person acting in aid of such officer; or

(c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business or manufacture, or respecting any person concerned or employed therein; or

(d) assaults, resists, or obstructs any person engaged in any lawful execution of process, or in making a lawful distress, with intent to prevent execution of process or to rescue any property lawfully taken under such process or distress; or

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law;

is guilty of a misdemeanour and is liable to imprisonment for two years.

Section 249: Cr.A. 59/39, 6 Ct. L.R. 209.

Section 250: Cr.A. 143/41, 9 P.L.R. 7; 11 Ct. L.R. 4.

" " 162/46, 14 P.L.R. 5; 1947 A.L.R. 270.

L.A. Nos. 129/43 and 130/43 Ja. 1944 S.C.D.C. 262-3.

Cr.A.D.C., TA. 97/44, 1945 S.C.D.C. 59.

" " " , TA. 106/44, 1945 S.C.D.C. 132.

" " " , TA. 169/45, 1945 S.C.D.C. 472.

" " " , Jm. 116/46, 1947 S.C.D.C. 89.

Section 251(b): Cr.A. 59/39, 6 Ct. L.R. 209.

Cr.A. D.C. Ha. 61/45, 1945 S.C.D.C. 317.

CHAPTER XXVIII.

*Offences against Liberty.*

Definition of abduction from Palestine.

252. Any person who conveys any person beyond the limits of Palestine without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to abduct that person from Palestine.

Definition of abduction from lawful guardianship.

253. Any person who 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 abduct such minor or person from lawful guardianship.

Definition of abduction.

254. Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment for abduction

255. A person who abducts any person from Palestine or from lawful guardianship is guilty of a felony and is liable to imprisonment for seven years.

Abducting in order to murder.

256. Any person who 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, is guilty of a felony and is liable to imprisonment for ten years.

Abducting with intent secretly and wrongfully to confine person.  
Abducting in order to subject person to grievous hurt.  
Gaz: 28.12.44, p. 174.

257. Any person who abducts any person, with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony and is liable to imprisonment for seven years.

258. Any person who 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 harm, to unlawful sexual intercourse or to a life of prostitution, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.

Wrongfully concealing or keeping in confinement abducted person.

259. Any person who, knowing that any person has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had 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.

Abducting child under fourteen years with intent to steal from its person.

260. Any person who abducts any child under the age of fourteen years, with the intention of taking dishonestly any movable property from the person of such child, is guilty of a felony and is liable to imprisonment for seven years.

Unlawful compulsory labour.

261. Any person who unlawfully compels any person to labour against the will of that person, is guilty of a misdemeanour and is liable to imprisonment for one year.

False imprisonment.

262. Any person who unlawfully arrests or confines another is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of fifty pounds. If he effects the unlawful arrest by means of a false assumption of official character or by pretending to have a lawful warrant, he is liable to imprisonment for three years.

Section 252: Cr.A. 45/47, 1947 A.L.R. 482.

Sections 254 and 255: Cr.A. 100/44, 1944 A.L.R. 823.

Sections 256 and 258: Cr.A. 54/41, 8 P.L.R. 205; 11 Ct. L.R. 93.



DIVISION V.—OFFENCES RELATING TO PROPERTY.

CHAPTER XXIX.

*Stealing.*

263.—(1) A person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof: Definition.

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession thereof if, being a bailee or part owner thereof, he fraudulently converts the same to his own use or the use of any person other than the owner.

(2)—(a) The expression “takes” includes obtaining the possession:—

(i) by any trick;

(ii) by intimidation;

(iii) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained;

(vi) by finding, where at the time of the finding the finder believes that the owner can be discovered by taking reasonable steps.

(b) The expression “carries away” includes any removal of anything from the place which it occupies, but in the case of a thing attached, only if it has been completely detached.

(c) The expression “owner” includes any part owner, or person having possession or control or a right to possession of anything capable of being stolen.

(3) Everything which has value and is the property of any person, and if adhering to an immovable then after severance therefrom, is capable of being stolen.

264.—(1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money, not greater than the amount due to him from his principle at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him or on account of his principal, such dealing with the goods or document of title is not deemed to be theft. Special cases.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

265. When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, Funds, etc.  
held under  
direction.

- Section 263: Cr.A. 151/44, 1944 A.L.R. 145.  
" " 153/44, 1945 A.L.R. 334.  
" " 50/45, 1945 A.L.R. 577; 12 P.L.R. 264.  
Cr.A.D.C. Jm. 48/43, 1943 S.O.D.C. 273-4.  
" " " . Ja. 88/43, 1943 S.O.D.C. 246.  
" " " . Ha. 172/44, 1945, S.O.D.C. 117.  
" " " . Jm. 134/45, 1945, S.O.D.C. 585.  
" " " . TA 106/46, 1947, S.O.D.C. 127.

mortgage, pledge, or other disposition of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person for whom the money, security, or power of attorney was received until the direction has been complied with.

Funds, etc.,  
received by  
agents for sale.

266. When a person receives, either alone or jointly with another person, any property from another on terms authorising him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of a debtor and creditor only shall exist between them in respect thereof.

Money received  
for another.

267. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Theft by person  
having an  
interest in the  
thing stolen.

268. When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a right to possession thereof or interest therein, or that he himself is the owner of the thing taken or converted subject to such right or interest some other person therein; or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing, or that he is a director or officer of a corporation or company or society who are the owners of it.

Husband and  
wife.

269. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft, if they were not married, is deemed to have stolen the thing, and may be charged with theft.

General punish-  
ment for theft.

270. Any person who steals anything capable of being stolen is guilty of theft, and is liable, unless owing to the circumstances of the theft or the

- Section 270: Cr.A. 19/38, 5 P.L.R. 210.  
" " 170/43, 1944 A.L.R. 206.  
" " 153/44, 11 P.L.R. 645.  
" " 50/45, 1945, A.L.R. 577.  
" " 86/45, 1946, A.L.R. 90.  
Cr.A.D.C. Jm. 99/43, 1943, S.O.D.C. 312-3.  
" " " Jm. 48/43, 1943, S.O.D.C. 273-4.  
" " " Ja. 12/44, 1945, S.O.D.C. 427.  
" " " Jm. 134/45, 1945, S.O.D.C. 585.



nature of the thing stolen, some other punishment is provided, to imprisonment for one year.

271. If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is guilty of a felony and is liable to imprisonment for seven years.

Stealing wills.

272. If the thing stolen is any of the things following, that is to say, horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young of any such animal, the offender is guilty of a misdemeanour.

Stealing cattle.

273. If a theft is committed under any of the circumstances following, that is to say :—

Stealing from the person; stealing goods in transit, etc.

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling house and its value exceeds five pounds;
- (c) if the thing is stolen from any kind of vessel or vehicle or place or deposit used for the conveyance or custody of goods in transit from one place to another;
- (d) if the thing stolen is attached to or forms part of a railway;
- (e) if the thing is stolen from a vessel which is in distress or wrecked or stranded;
- (f) if the thing is stolen from a public office in which it is deposited or kept;
- (g) if the offender, in order to commit the offence, opens any box, or other receptacle, by means of a key or other instrument;

the offender is guilty of a misdemeanour.

274. If the offender is a person employed in the public service and the thing stolen is the property of His Majesty, or came into the possession of the offender by virtue of his employment, and exceeds in value the sum of fifty pounds, he is guilty of a felony and is liable to imprisonment for ten years.

Penalty for stealing by persons in public service.

275. If the offender is a clerk or servant and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer and exceeds in value the sum of fifty pounds; or if he is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is guilty of a felony and is liable to imprisonment for seven years.

Penalty for stealing by clerks or servants; or by directors or officers of companies.

276. If the thing stolen is any of the things following, that is to say :—

- (a) property which has been received by the offender with a power of attorney for the disposition thereof;

Stealing by agents, etc.

Section 272 : Cr.A. 65/45, 1945, *A.L.R.* 501.  
 Section 273 : Cr.A. D.C. Ja. 88/43, 1943 *S.O.D.C.* 246.  
 Section 273(b) : Cr.A. 86/45, 1946 *A.L.R.* 90.  
 Section 273(c) : Cr.A. 16/43, 10 *P.L.R.* 13; 1943 *A.L.R.* 155.  
 Section 274 : Cr.A. 155/42, 9 *P.L.R.* 654; 12 *Cl. L.R.* 189.  
 Section 275 : Cr.A. 150/37, 5 *P.L.R.* 10.  
 " " 6/39, 6 *P.L.R.* 113; 5 *Cl. L.R.* 99.  
 " " 22/39, 6 *P.L.R.* 313; 6 *Cl. L.R.* 51.  
 " " 38/44, 11 *P.L.R.* 140; 1944 *A.L.R.* 177.

- (b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;
- (e) the whole or part of the proceeds arising from any disposition of any property which has been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with direction that such proceeds should be applied to any purpose or paid to any person specified in the direction;

the offender is guilty of a felony and is liable to imprisonment for seven years.

Stealing by tenants or lodgers.

277. If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds five pounds, he is guilty of a misdemeanour.

Stealing after previous conviction.

278.—(1) If the offender, before committing the theft, had been convicted of a theft punishable under section 270 of this Code, he is liable to imprisonment for three years.

(2) If the offender, before committing a theft under section 272 of this Code, had been convicted of a theft punishable under that section, he is guilty of a felony and is liable to imprisonment for seven years.

### CHAPTER XXX.

#### *Offences allied to Stealing.*

Concealing registers.

279. Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part or any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for seven years.

Concealing wills.

280. Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony and is liable to imprisonment for seven years.

- Section 276(b): Cr.A. 2/39, 6 P.L.R. 83; 5 Cl. L.R. 91.
- " " 22/39, 6 P.L.R. 313; 6 Cl. L.R. 51.
- " " 33-34/39, 6 P.L.R. 441; 6 Cl. L.R. 115.
- " " 14/41, 8 P.L.R. 69.
- " " 156/43, 1944 A.L.R. 40.
- Section 276(c): Cr.A. 33-34/39, 6 P.L.R. 441; 6 Cl. L.R. 115.
- " " 98/41, 8 P.L.R. 351; 10 Cl. L.R. 11.
- Section 278(1): Cr.A. 170/43, 1944 A.L.R. 206.
- " " 140/45, 1945 A.L.R. 708.
- " " D.C.T.A. 99/43, 1945 S.O.D.C. 312-3.



281. Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land is guilty of a misdemeanour.

Concealing deeds.

282. Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is liable to the same punishment as if he had stolen the animal.

Killing animals with intent to steal.

283. Any person who completely severs anything which has previously been attached to an immovable thing with intent to steal it, is liable to the same punishment as if he had stolen the thing after it had been severed.

Severing with intent to steal.

284. Any person who takes, conceals or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony and is liable to imprisonment for five years.

Fraudulently dealing with minerals in mines.

285.—(1) Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity, is guilty of a felony and is liable to imprisonment for five years.

Fraudulent appropriation of power and running water.

(2) Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any running water, the property of another person, is guilty of a felony and is liable to imprisonment for five years.

### CHAPTER XXXI.

#### *Criminal Trespass.*

286. Any person who enters into or upon property in the possession of another with intent to commit an offence punishable by this Code, or by any law in force within Palestine, 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 punishable by this Code or by any law in force within Palestine, is guilty of a misdemeanour and is liable to imprisonment for two years.

Entering upon property of another with intent to commit an offence, etc.

### CHAPTER XXXII.

#### *Robbery and Extortion.*

287. Any person who steals anything, and, at or immediately before, or immediately after the time of stealing it, uses or threatens to use actual

Definition of robbery.

- Section 285: Cr.A. 56/40, 7 P.L.R. 329; 7 Ct. L.R. 200.
- Section 286: Cr.A. 176/44, 1945 A.L.R. 402; 12 P.L.R. 53.
- " " 97/46, 13 P.L.R. 547.
- C.C. TA. 60/44, 1945 S.O.D.C. 550.
- Cr.A.D.C. Jm 19/46, 1946 S.O.D.C. 279.
- " " " TA. 39/46, 1946 S.O.D.C. 774.
- Section 287: Cr.A. 1/38, 5 P.L.R. 61.
- " " 19/38, 5 P.L.R. 210.
- ~~" " 85/40, 7 P.L.R. 481, 8 Ct. L.R. 220.~~
- " " 133/41, 8 P.L.R. 528; 10 Ct. L.R. 197. —
- " " 30/42, 11 Ct. L.R. 206.
- " " 53/42, 9 P.L.R. 219.
- " " 158/44, 11 P.L.R. 63.
- " " 175/44, 12 P.L.R. 8.
- " " 147/45, 1945 A.L.R. 781.
- " " 174/45, 1946 A.L.R. 95.
- " " 202/45, 13 P.L.R. 36.
- " " 203/45, 13 P.L.R. 13.
- " " 20/46, 13 P.L.R. 59.
- " " 31/47, 1947 A.L.R. 458.
- " " D.C. Jm. 116/46, 1947 S.O.D.C. 89.

violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of a felony. Such felony is termed robbery.

Robbery and attempted robbery.

288.—(1) Any person who commits the offence of robbery is liable to imprisonment for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more person or persons or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

(2) Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony and is liable to imprisonment for seven years.

If the offender is armed with any dangerous or offensive weapon or instrument or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

Assault with intent to steal.

289. Any person who assaults any person with intent to steal anything, is guilty of misdemeanour.

Demanding property by written threats.

290. Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony and is liable to imprisonment for fourteen years.

Attempts at extortion by threats.

291. Any person who, with intent to extort or gain anything from any person :—

(a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation

- Section 288(1) :* Cr.A. 1/38, 5 P.L.R. 61.  
 " " 58/39, 6 P.L.R. 567.  
 " " 23/40, 7 P.L.R. 217; 7 Ct. L.R. 141.  
 " " 52/40, 7 P.L.R. 286; 8 Ct. L.R. 5.  
 " " 24/41, 8 P.L.R. 125; 9 Ct. L.R. 104.  
 " " 35/41, 8 P.L.R. 143; 9 Ct. L.R. 139.  
 " " 64/41, 10 Ct. L.R. 50.  
 " " 133/41, 8 P.L.R. 528; 10 Ct. L.R. 197.  
 " " 158/44, 11 P.L.R. 631.  
 " " 175/44, 12 P.L.R. 8.  
 " " 174/45, 1946 A.L.R. 95.  
 " " 147/45, 1945 A.L.R. 781.  
 " " 202/45, 13 P.L.R. 36.  
 " " 203/45, 13 P.L.R. 13.  
 " " 20/46, 13 P.L.R. 59.  
 " " 31/47, 1947 A.L.R. 458.
- Section 288(2) :* Cr.A. 19/38, 5 P.L.R. 210.  
 " " 57/44, 11 P.L.R. 184; 1944 A.L.R. 441.
- Section 290 :* Cr.A. 158/37, 5 P.L.R. 26.



or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or

(b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or

(c) knowing the contents of the writing, causes any person to receive any writing containing such accusation or threat as aforesaid;

is guilty of a felony; and if the accusation or threat of accusation is of :

(i) an offence for which the punishment of death or imprisonment for life may be inflicted; or

(ii) any of the offences defined in chapter XVII, or an attempt to commit any of such offences; or

(iii) an assault with intent to commit sodomy or an unlawful and indecent assault upon a male person; or

(iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid;

the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for four years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

292. Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person :—

(a) to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security; or

(b) to write, impress, or affix any name or seal or other mark upon or to any paper or parchment, in order that it may be afterwards made or converted or used or dealt with as a valuable security;

is guilty of a felony and is liable to imprisonment for fourteen years.

293. Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony and is liable to imprisonment for five years.

Procuring execution of documents, etc., by threats.

Demanding property with menaces with intent to steal.

### CHAPTER XXXIII.

#### *Burglary, Housebreaking and similar Offences.*

294. Any person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

Definitions.

Section 293 : Cr.A. 90/44, 11 P.L.R. 452; 1944 A.L.R. 514.

Section 294 : Cr.A. 170/43, 1944 A.L.R. 206.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

Housebreaking  
and burglary.

295. Any person who:—

(a) breaks and enters any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to steal or to commit a felony therein; or

(b) having entered any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to steal or to commit a felony therein or, having committed theft or a felony in any such building, tent or vessel, breaks out thereof;

is guilty of a felony and is liable to imprisonment for seven years. Such felony is termed housebreaking.

If the offence is committed in the night, the felony is termed burglary and the offender is liable to imprisonment for fourteen years.

Entering dwell-  
ing house with  
intent to  
commit felony

296. Any person who enters or is in any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit theft or a felony therein, is guilty of a felony and is liable to imprisonment for five years.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

Breaking into  
building and  
committing  
felony.

297. Any person who:—

(a) breaks and enters a school house, shop, warehouse, store, office, counting house, stable, cow house or barn or a building which is adjacent to a dwelling house and occupied with it but is not part of it, and commits theft or a felony therein; or

(b) having committed theft or a felony in a school house, shop, warehouse, store, office, counting house, stable, cow house or barn or in any such other building as last mentioned, breaks out of the building; is guilty of a felony and is liable to imprisonment for seven years.

Section 295(a): Cr.A. 70/39, 7 P.L.R. 6; 7 Ct. L.R. 37.

" " 132/41, 8 P.L.R. 506; 11 Ct. L.R. 147.

" " 49/42, 11 Ct. L.R. 139.

" " 54/42, 9 P.L.R. 252; 11 Ct. L.R. 225.

" " 120/44, 11 P.L.R. 507.

" " 87/46, 13 P.L.R. 427.

Section 296: Cr.A. 23/46, 13 P.L.R. 118.

Section 297(a): Cr.A. 46/38, 5 P.L.R. 330.

" " 90/41, 8 P.L.R. 305; 8 Ct. L.R. 97.

" " 171/42, 9 P.L.R. 704.

" " 154/43, 11 P.L.R. 1; 1944 A.L.R. 197.

" " 170/43, 11 P.L.R. 9; 1944 A.L.R. 205.

" " 83/44, 11 P.L.R. 376; 1944 A.L.R. 706.

" " 201/45, 1946 A.L.R. 158.

" " 153-154-155/45, 1945 A.L.R. 606.

" " 72/46, 1946 A.L.R. 373.

" " 139/46, 1947 A.L.R. 23.



298. Any person who breaks and enters a school house, shop, warehouse, store, office, counting house, stable, cow house, or barn, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, with intent to commit theft or a felony therein, is guilty of a felony and is liable to imprisonment for five years.

Breaking into building with intent to commit felony.

299. Any person who is found under any of the circumstances following, that is to say:—

Person found armed, etc., with intent to commit felony.

- (a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling house, and to commit theft or a felony therein;
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit theft or a felony therein;
- (c) having in his possession by night, without lawful excuse, the proof of which lies on him, any instrument of house-breaking;
- (d) having in his possession by day any such instrument with intent to commit a felony;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit theft or a felony; or
- (f) being in any building whatever by night with intent to commit theft or felony therein, and having taken precautions to conceal his presence;

is guilty of a misdemeanour.

If the offender has been previously convicted of a felony relating to property, he is guilty of a felony and is liable to imprisonment for seven years.

### CHAPTER XXXIV.

#### *False pretences.*

300. Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact; and which the person making it knows to be false or does not believe to be true, is a false pretence.

Definition of false pretences.

301. Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony and is liable to imprisonment for five years.

Obtaining goods by false pretences.

- Section 298: Cr.A. 148/41, 9 P.L.R. 10.
- Section 299: Cr.A. 49/44, 1944 A.L.R. 227.
- Section 301: Cr.A. 6/39, 6 P.L.R. 113; 5 Ct. L.R. 99.
- " " 36/40, 7 P.L.R. 267; 8 Ct. L.R. 164.
- " " 27/41, 8 P.L.R. 169; 9 Ct. L.R. 149.
- " " 146/41, 9 P.L.R. 33; 11 Ct. L.R. 25.
- " " 15/42, 9 P.L.R. 164; 12 Ct. L.R. 45.
- " " 157/42, 9 P.L.R. 240; 12 Ct. L.R. 121.
- " " D.C. Jm. 134/45, 1945 S.O.D.O. 585.
- " " D.C. Jm. 114/45, 1945 S.O.D.O. 595.

Obtaining execution of a security by false pretences.

302. Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix any name or seal or other mark upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a felony and is liable to imprisonment for five years.

Cheating.

303. Any person who by means of any fraudulent trick or device obtains from any person anything capable of being stolen or induces any other person to deliver to any person money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour.

Obtaining credit, etc., by false pretences.

304. Any person who :—

- (a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or
- (b) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery, or transfer of or any charge of his property; or
- (c) with intent to defraud his creditors, sells or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him;

is guilty of a misdemeanour.

Conspiracy to defraud.

305. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a misdemeanour.

Frauds on sale or mortgage of property.

306. Any person who, being a seller or mortgagor of any property, or being the advocate or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud :—

- (a) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance; or
- (b) falsifies any certificate on which the title depends or may depend; or
- (c) makes any false statement as to the title offered or conceals any fact material thereto;

is guilty of a misdemeanour and is liable to imprisonment for two years.

Pretending to exercise witchcraft or tell fortunes.

307. Any person who for gain or reward pretends to exercise or use any kind of witchcraft, sorcery or enchantment, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen



or lost may be found, is guilty of a misdemeanour and is liable to imprisonment for one year.

308. Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence, is guilty of a misdemeanour and is liable to imprisonment for one year.

Obtaining registration, etc., by false pretence.

CHAPTER XXXV.

Receivers.

309. Any person who, by himself or by an agent, wilfully receives or takes upon himself, either alone or jointly with any other person, the control or disposition of any thing, money, valuable security or other property whatsoever, knowing the same to have been stolen, taken, extorted, obtained or disposed of in a manner which constitutes a felony, is guilty of a felony and is liable to imprisonment for ten years :

Receiving stolen property.

Provided that any person who is charged with any offence under this section may be tried before a court competent to try the person charged with having so stolen, taken, extorted, obtained or disposed of the property, and shall in that case be liable to the same punishment as the offender by whom the property was stolen, extorted, unlawfully obtained or disposed of.

310. Any person who, by himself or by an agent receives or takes upon himself, either alone or jointly with any other person, the control or disposition of anything, money, valuable security or other property whatsoever, knowing the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, is guilty of a misdemeanour and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

Receiving property fraudulently obtained.

- Section 309: ✓ Cr.A. 8/39, 6 P.L.R. 124; 5 Ct. L.R. 110.  
 ✓ " " 9/39, 6 P.L.R. 129; 5 Ct. L.R. 146.  
 ✓ " " 107/40, 7 P.L.R. 605; 9 Ct.L.R. 163.  
 ✓ " " 125/40, 7 P.L.R. 567; 8 Ct.L.R. 191.  
 ✓ " " 62/43, 10 P.L.R. 354; 1943 A.L.R. 469.  
 ✓ " " 140/43, 10 P.L.R. 605; 1944 A.L.R. 96.  
 ✓ " " 83/43, 11 P.L.R. 376; 1944 A.L.R. 706.  
 ✓ " " 158/44, 11 P.L.R. 631.  
 " " 176/45, 1946 A.L.R. 57.  
 " " 72/46, 1946 A.L.R. 373.  
 C.A.D.C., TA. 119/44, 1944 S.C.D.C. 502.  
 Cr.A.D.C., TA. 159/45, 1945 S.C.D.C. 427.

- Section 310: Cr.A. 8/39, 6 P.L.R. 124; 5 Ct. L.R. 110.  
 " " 107/40, 7 P.L.R. 605; 9 Ct. L.R. 163.  
 " " 77/41, 10 Ct. L.R. 6.  
 " " 57/43, 10 P.L.R. 291; 1943 A.L.R. 450.  
 " " 62/43, 10 P.L.R. 354; 1943 A.L.R. 469.  
 " " 32/45, 1945 A.L.R. 523; 12 P.L.R. 207.  
 " " 176/45, 1946 A.L.R. 59.  
 C.A.D.C., TA. 119/44, 1944 S.C.D.C. 502.  
 Cr.A.D.C., Ha. 191/44, 1945 S.C.D.C. 124.  
 " " " Jm. 22/46, 1946 S.C.D.C. 760.  
 " " " Ha. 17/47, 1947 S.C.D.C. 178.

Unlawful possession of property.

311. Any person who has in his possession any thing, money, valuable security or other property whatsoever, which is reasonably suspected of being stolen property, is, unless he establishes to the satisfaction of a court that he acquired the possession of it lawfully, guilty of a misdemeanour and is liable to imprisonment for six months, or to a fine of fifty pounds or to both such penalties.

CHAPTER XXXVI.

*Frauds by Trustees and Persons in a Position of Trust and False Accounting.*

Trustees fraudulently disposing of trust property.

312. Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, is guilty of a felony and is liable to imprisonment for seven years.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say:—

- (a) trustees upon express trusts created by a deed, will or instrument in writing, whether for a public or private or charitable purpose;
- (b) trustees appointed by or under the authority of a law for any such purpose;
- (c) persons upon whom the duties of any such trust as aforesaid devolve;
- (d) executors and administrators.

Directors and officers of corporations fraudulently appropriating property, or keeping fraudulent, accounts or falsifying books or accounts.

313. Any person who:—

- (a) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books or accounts of the corporation or company, or to cause or direct such an entry to be made therein; or
- (b) being a director, officer or member of a corporation or company, does any of the following acts with intent to defraud, that is to say:—
  - (i) destroys, alters, mutilates, or falsifies any book, document valuable security, or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act; or

Section 311: Cr.A. 125/40, 7 P.L.R. 567; 8 Ct. L.R. 191.  
 " " 14/41, 8 P.L.R. 69; 12 Ct. L.R. 77.  
 " " 55/42, 9 P.L.R. 255.  
 " " 140/43, 10 P.L.R. 605; 1944 A.L.R. 96.  
 " " 151/43, 10 P.L.R. 708; 1944 A.L.R. 145.  
 " " 49/44, 11 P.L.R. 221; 1944 A.L.R. 226.  
 " " 52/44, 11 P.L.R. 449; 1944 A.L.R. 817.  
 " " 20/43, 1944 A.L.R. 153.  
 " " 141/44, 1945 A.L.R. 3.08; 11 P.L.R. 625.  
 Cr.A.D.C., Jm. 37/44, 1944 S.O.D.C. 161.  
 C.A.D.C., TA. 119/44, 1944 S.O.D.C. 502.  
 Cr.A.D.C., TA. 149/44, 1945 S.O.D.C. 45.  
 " " " TA. 159/45, 1945 S.O.D.C. 427.  
 " " " Jm. 72/45, 1945 S.O.D.C. 415.  
 " " " Jm. 22/46, 1946 S.O.D.C. 760.



(ii) makes or is privy to making any false entry in any such book, document or account; or

(iii) omits or is privy to omitting any material particular from any such book, document or account;

is guilty of a felony and is liable to imprisonment for seven years.

314. Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say:—

False statements  
by officials of  
companies.

(a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;

(b) to induce any person, whether a particular person or not, to become a member of or to entrust or advance any property to the corporation or company, or to enter into any security for the benefit thereof;

is guilty of a felony and is liable to imprisonment for seven years.

315. Any person who, being a clerk or servant or being employed or acting in the capacity of a clerk or servant, does any of the acts following with intent to defraud, that is to say:—

Fraudulent false  
accounting.

(a) destroys, alters, mutilates or falsifies any book, document, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document or account, or is privy to any such act; or

(b) makes, or is privy to making, any false entry in any such book, document or account; or

Gaz: 29.6.44,  
p. 47.

(c) omits or is privy to omitting any material particular from any such book, document or account;

is guilty of a felony, and is liable to imprisonment for seven years.

316. Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour.

False accounting  
by public  
officers.

## DIVISION VI.—MALICIOUS INJURIES TO PROPERTY.

### CHAPTER XXXVII.

#### *Offences causing Injury to Property.*

317. Any person who wilfully and unlawfully sets fire to:—

Arson.

(a) any building or structure whatever, whether completed or not; or

(b) any vessel, whether completed or not; or

(c) any stack of cultivated vegetable produce or of mineral or vegetable fuel; or

(d) a mine, or the working, fittings or appliances of a mine; is guilty of a felony and is liable to imprisonment for life. Such felony is termed arson.

Attempts to  
commit arson.

318. Any person who :—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it;

is guilty of a felony and is liable to imprisonment for fourteen years.

Setting fire to  
crops and  
growing plants.

319. Any person who wilfully and unlawfully sets fire to :—

(a) a crop of cultivated vegetable produce, whether standing or cut; or

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut; or

(c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation;

is guilty of a felony and is liable to imprisonment for fourteen years.

Attempting to set  
fire to crops, etc.

320. Any person who :—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it;

is guilty of a felony and is liable to imprisonment for seven years.

Setting fire to  
goods in  
buildings.

321. Any person who wilfully and unlawfully sets fire to any matter or thing being in, against or under any building whether such building be set on fire or not, is guilty of a felony and is liable to imprisonment for fourteen years.

Attempting to set  
fire to goods in  
buildings.

322. Any person who attempts unlawfully to set fire to any such matter or thing as is mentioned in the last preceding section, is guilty of a felony and is liable to imprisonment for seven years.

Casting away  
ships.

323. Any person who :—

(a) wilfully and unlawfully casts away or destroys any vessel, whether completed or not; or

(b) wilfully or unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

(c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal, use for purposes of navigation, or exhibits any false light or signal;

is guilty of a felony and is liable to imprisonment for life.

Attempts to  
cast away ships.

324. Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a felony and is liable to imprisonment for fourteen years.



325. Any person who wilfully and unlawfully kills, injures, wounds or administers poison to any animal capable of being stolen is guilty of an offence.

If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, wether, or the young of any such animal, the offender is guilty of a felony, and is liable to imprisonment for ten years.

In any other case the offender is guilty of a misdemeanour and is liable to imprisonment for two years.

326.—(1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour.

Punishment for malicious injuries in general.

(2) If the property in question is a threshing floor, agricultural machine, well or bore for water, or the dam, bank, wall, or floodgate of a mill-pond or pool, or any standing, growing, or cut crop of cultivated vegetable produce, or any standing trees, saplings or shrubs under cultivation, or any bridge, viaduct, aqueduct or reservoir, the offender is guilty of a felony and is liable to imprisonment for seven years.

Special cases.

(3) If the property in question is a dwelling house or a vessel and the injury is caused by the explosion of any explosive substance, and if:—

(a) any person is in the dwelling house or vessel; or

(b) the destruction or damage actually endangers the life of any person; the offender is guilty of a felony and is liable to imprisonment for life.

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a felony and is liable to imprisonment for fourteen years.

Wills and registers.

327. Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

Attempts to destroy property by explosives.

328. Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony and is liable to imprisonment for seven years.

Communicating infectious diseases to animals.

329. Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, is guilty of a misdemeanour.

Removing boundary marks with intent to defraud.

330. Any person who:—

(a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction

Wilful damage, etc., to survey and boundary marks.

Section 326(1): Cr.A. 31/39, 6 P.L.R. 430; 6 Ot. L.R. 103.

" " 27/46, 13 P.L.R. 131.

Cr.A.D.C., Jm. 30/45, 1945 S.C.D.C. 206.

" " " " Jm. 31/46, 1946, S.C.D.C. 741.

Section 329: Cr.A. 31/39, 6 P.L.R. 430; 6 Ot. L.R. 103.

of any Government Department or in the course of or for the purposes of a Government survey; or

(b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same; or

(c) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease, licence or right under any law relating to mines or minerals;

is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of ten pounds, and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

Threats to  
burn, etc.

331. Any person who, knowing the contents thereof, sends, delivers, utters or directly or indirectly causes to be received, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any ship or vessel, or to kill, injure, poison or wound any cattle, is guilty of a felony and is liable to imprisonment for ten years.

DIVISION VII.—FORGERY, COINING, COUNTERFEITING AND  
SIMILAR OFFENCES.

CHAPTER XXXVIII.

*Forgery.*

Forgery.

332. Forgery is the making of a false document with an intent to defraud or deceive.

Document.

333. The term "document" in this division of this Code does not include a trade mark or any other sign used in connection with articles of commerce, though they may be written or printed.

Making a false  
document.

334. Any person makes a false document who: —

(a) makes a document purporting to be what in fact it is not;

(b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;

(c) introduces into a document without authority whilst it is being drawn up matter which, if it had been authorised, would have altered the effect of the document;

(d) signs a document:

(i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;

(ii) in the name of any fictitious person alleged to exist, whether the fictitious person is or is not alleged to be of the same name as the person signing;



(iii) in the name represented as being the name of a different person signing it and intended to be mistaken for the name of that person;

(iv) in the name of the person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

335.—(1) A person makes a false document with intent to defraud thereby if he intends to induce another person to act thereon to such other person's injury.

Intent to defraud.

(2) An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact; nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

CHAPTER XXXIX.

*Punishment for Forgery.*

336. Any person who forges any document is guilty of an offence which, unless otherwise stated, is a misdemeanour.

General punishment for forgery.

337. Any person who forges any will, document of title to land, judicial record, power of attorney, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker, is guilty of a felony and is liable to imprisonment for life.

Forgery punishable with imprisonment for life.

338. Any person who forges any judicial or official document is guilty of a felony and is liable to imprisonment for ten years.

Imprisonment for ten years.

339. Any person who :—

Imprisonment for seven years.

(a) forges any stamp, whether impressed or adhesive, used for the purposes of revenue by any Government, or

(b) without lawful excuse (the proof whereof shall lie upon him) makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp; or

(c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue by the Government of Palestine with intent that another use shall be made of such stamp or any part thereof; or

(d) fraudulently mutilates any such stamp as last aforesaid with intent that another use shall be made of such stamp; or

(e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material or out of or from any other stamp; or

Section 336: Cr.A. 150/37, 5 P.L.R. 10.

" " 82/46, 1946 A.L.R. 558.

Section 338: Cr.A. 17/42, 9 P.L.R. 240; 12 Ct. L.R. 121.

" " 161/43, 1944 A.L.R. 26.

(f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever written thereon, with the intent that another use shall be made of the stamp upon such material; or

(g) knowingly and without lawful excuse (the proof whereof shall lie upon him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise really or apparently removed;

is guilty of a felony and is liable to imprisonment for seven years.

Uttering false documents.

340. Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment as if he forged the thing in question.

Uttering cancelled or exhausted documents.

341. Any person who knowingly utters, as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Procuring execution of documents by false pretences.

342. Any person who, by means of any false and fraudulent representations as to the nature, contents or operation of a document, procures another to sign or execute the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Obliterating crossing on cheques.

343. any person who, with intent to defraud:—

(a) obliterates, adds to or alters the crossing on a cheque; or

(b) knowingly utters a crossed cheque the crossing on which has been obliterated, added to or altered;

is guilty of a felony and is liable to imprisonment for seven years.

Making documents without authority.

344. Any person who, with intent to defraud:—

(a) without lawful authority or excuse, makes, signs, or executes for or in the name or on account of another person, whether by procurement or otherwise, any document or writing; or

(b) knowingly utters any document or writing so made, signed or executed, by another person;

is guilty of a felony and is liable to imprisonment for seven years.

Demanding property upon forged testamentary instruments, etc.  
Gaz: 20.11.46,  
p. 231.

345. Any person who procures the payment or delivery to himself or any other person of any money, or other property, or procures the registration in his name or in the name of any other person of any property—

Section 340: Cr.A. 6/39, 6 P.L.R. 118; 5 Ct. L.R. 99.  
" " 73/39, 7 P.L.R. 8; 7 Ct. L.R. 21.  
" " 36/40, 7 P.L.R. 267; 8 Ct. L.R. 164.  
" " 24/44, 11 P.L.R. 201.  
" " 82/46, 1946 A.L.R. 559.

Section 344(a): Cr.A. 6/39, 6 P.L.R. 118; 5 Ct. L.R. 99.



(a) by virtue of any probate or letters of administration granted upon a forged testamentary instrument knowing the testamentary instrument to have been forged; or

(b) by virtue of any probate or letters of administration, or any certificate, declaration, or order of succession, the grant of which by any tribunal has been obtained by false evidence, knowing the grant to have been so obtained;

is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document or thing by virtue whereof he procures the payment, delivery, or registration.

346. Any person who, being employed in the public service, knowingly and with intent to defraud, makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of a felony and is liable to imprisonment for seven years.

Falsifying warrants for money payable under public authority.

347. Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which is to his knowledge false in any material particular to be made in the register or record, is guilty of a felony and is liable to imprisonment for seven years.

Falsification of register.

## CHAPTER XL.

### *Forgery of Bank Notes.*

348. For the purposes of this chapter the term "bank note" includes any note or bill of exchange issued by any bank in Palestine or by the Bank of England, or by any other person or corporation or company carrying on the business of banking in any part of the world, and any bank bill, and any blank bill of exchange, and shall also include a currency note issued under the Currency Notes Ordinance, 1927, and any note (by whatsoever name called) which is legal tender in the country in which it was issued.

Definition of bank note.

349.—(1) If any person, with intent to defraud, forges or alters any bank note, or, knowing any note purporting to be a bank note to be forged or altered, utters the same, he is guilty of a felony and is liable to imprisonment for life.

Forgery of bank notes.

(2) If any person without lawful authority or excuse, the proof of which shall lie upon him, brings or receives into Palestine, or purchases or receives from any other person or has in his custody or possession any forged or altered note purporting to be a bank note knowing it to be forged, he is guilty of a felony and is liable to imprisonment for seven years.

350.—(1) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any bank note or any part thereof, he is guilty of a misdemeanour and is liable

Imitation of bank notes.

- Section 349(1): Cr.A. 11/39, 5 *Cl. L.R.* 149.  
 Cr.A. 82/46, 1946 *A.L.R.* 556; 13 *P.L.R.* 431.  
 " " 142/46, 1947 *A.L.R.* 382.
- Section 349(2): Cr.A. 23/42, 11 *Cl. L.R.* 112.  
 Cr.C., Ha. 14/43, 1943 *S.O.D.O.* 388.

to a fine of six pounds in respect of each such document, and the court shall order the document in respect of which the offence was committed, and any copies of that document, and any plates, blocks, dies or other instrument used for, or capable of being used for, printing or reproducing any such document which are in the possession of such offender to be forfeited.

(2) If any person whose name appears on any document, the making of which is an offence under this section, knowing the name and address of the person by whom it was printed or made, refuses to disclose such name and address to a police officer, he is guilty of a misdemeanour and is liable to a fine of ten pounds.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under this section, or on any other document used or distributed in connection with that document, it shall be *prima facie* evidence that that person caused the document to be made.

Possession of material for forging bank notes.

351. If any person without lawful authority or excuse, the proof of which lies upon him :—

- (a) makes or uses, or sells or exposes for sale or knowingly has in his custody or possession any paper pretending to resemble and pass as special paper, such as is provided and used for making any bank note;
- (b) makes, uses, or knowingly has in his custody or possession any frame, mould, or instrument for making such paper or for producing in or on such paper any words, figures, device or distinction peculiar to and appearing in the substance of such paper;
- (c) by any art or contrivance causes any such words, device, or distinction, or any words, device or distinction intended to resemble and pass for the same, to appear visible in the substances of any paper;
- (d) engraves or in any wise makes upon any plate whatsoever, or on any material, any note purporting to be a bank note or part of a bank note, or any name, word, number, figure, device, character, or ornament resembling, or apparently intended to resemble any signature to a bank note;
- (e) uses, or knowingly has in his custody or possession such plate or other material, instrument or device for the making or printing of bank notes; or
- (f) knowingly utters or has in his custody or possession any paper on which an impression of any such matter as aforesaid is made or printed;

he is guilty of a felony and is liable to imprisonment for five years.

Wrongful issue of bank notes.

352. If any person issues or is a party to issuing any bank note without lawful authority, he is guilty of a felony and is liable to imprisonment for five years.

Mutilating notes current in Palestine.

353. If any person wilfully defaces or tears, cuts, or otherwise mutilates any currency note issued under the Currency Notes Ordinance, 1927, he is guilty of a misdemeanour and is liable to imprisonment for three months or to a fine of one hundred pounds or to both such penalties.



354.—(1) The court shall impound without compensation to the holder thereof, any bank note which is found to be forged or counterfeit, and such bank note shall be forfeited and may be destroyed or disposed of in such manner as the High Commissioner shall direct.

Impounding and forfeiture of counterfeit notes, implements, etc.

(2) If it shall be made to appear by information on oath before a magistrate that there is reasonable cause to believe that any person has, or has had, in his custody or possession without lawful authority or excuse:—

No. 30 of 1945.

- (a) any forged or counterfeit bank note, or
- (b) any implement for making paper or imitation of the paper used for bank notes, or
- (c) any material having thereon any words, forms, devices or characters capable of producing or intended to produce the impression of a bank note,—

the magistrate may grant a warrant to search for the same, and if the same shall be found on search, it shall be seized and forfeited by order of the court before which the offender is tried, or if there be no trial, by order of a magistrate and in either case such bank note, implement, or material, may be destroyed or disposed of in such manner as the High Commissioner shall direct.

### CHAPTER XLI.

#### *Offences relating to Coin.*

355. In this chapter:—

Definition

“Coin” includes coin of any of the kinds and denominations and of any of the metals or mixed metals lawfully current in Palestine or in any other country;

“Metal” includes any mixture or alloy of metals;

“Counterfeit”, applied to coin, means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin which has been prepared or altered so as to resemble or to be apparently intended to resemble or pass for coin of a higher denomination, and also genuine coin which has been clipped or filed, or the size or weight of which has been otherwise diminished, and which has been prepared or altered so as to conceal such clipping, filing, or diminution; and it includes any such coin whether it is or is not in a fit state to be uttered, and whether the process of preparation or alteration is or is not complete;

“Gild” and “silver”, applied to coin, include producing the appearance of gold or silver, respectively, by any means whatever.

356. Any person who makes or begins to make any counterfeit gold or silver coin is guilty of a felony and is liable to imprisonment for fourteen years.

Counterfeiting gold and silver coin.

357. Any person who:—

- (a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin; or

Preparation for coining gold and silver coin.

- (b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit gold or silver coin, with intent that such counterfeit coin shall be made from it; or
- (c) without lawful authority or excuse, the proof of which lies on him;
  - (i) buys, sells, receives, pays or disposes of any counterfeit gold or silver coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing;
  - (ii) brings or receives into Palestine any counterfeit gold or silver coin, knowing it to be counterfeit; or
  - (iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any gold or silver coin, or any part of either side thereof, knowing the same to be such a stamp or to be so adapted; or
  - (iv) makes or mends or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument, or machine which is adapted or intended to be used for making coin round the edges with marks or figures apparently resembling those on the edges of any gold or silver coin, knowing the same to be so adapted or intended; or
  - (v) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage or any tool, instrument, or machine, which is adapted for cutting round blanks out of gold, silver or other metal, knowing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit gold or silver coin; or
  - (vi) knowingly conveys out of any mints of His Majesty any stamp, mould or tool, instrument machine or press used or employed in coining, or any useful part of any such things, or any coin, bullion, or metal;

is guilty of a felony and is liable to imprisonment for fourteen years.

Clipping.

358.—(1) Any person who deals with any gold or silver coin in such a manner as to diminish its weight with intent that, when so dealt with, it may pass as gold or silver coin, is guilty of a felony and is liable to imprisonment for fourteen years.

Possession of clippings.

(2) Any person who unlawfully has in his possession or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony and is liable to imprisonment for seven years.

Uttering counterfeit gold or silver coin.

359. Any person who utters any counterfeit gold or silver coin, knowing it to be counterfeit, is guilty of a misdemeanour and is liable to imprisonment for two years.



360. Any person who: —

- (a) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit gold or silver coin; or
- (b) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit gold or silver coin, knowing it to be counterfeit; or
- (c) has in his possession three or more pieces of counterfeit gold or silver coin, knowing them to be counterfeit, and with intent to utter any of them;

Repeated uttering of counterfeit gold or silver coin or possession of several such coins.

is guilty of a misdemeanour.

361. Any person who commits any of the offences defined in the last two preceding sections, after having been previously convicted of any of those offences, is guilty of a felony and is liable to imprisonment for fourteen years.

Offence after previous conviction.

362. Any person who:—

- (a) makes, or begins to make, any counterfeit coin other than gold or silver coin; or
- (b) without lawful authority or excuse, the proof of which lies on him, knowingly makes or mends, or begins, or prepares to make or mend, or has in his possession, or disposes of any tool, instrument, or machine which is adapted and intended for making any counterfeit coin other than gold or silver coin; or
- (c) buys, sells, receives, pays or disposes of any counterfeit coin other than gold or silver coin at a lower rate of value than it imports, or was apparently intended to import, or offers to do any such act;

Counterfeiting coin other than gold or silver coin.

is guilty of a felony and is liable to imprisonment for seven years.

363. Any person who:—

- (a) utters any counterfeit coin other than gold or silver coin, knowing it to be counterfeit; or
- (b) has in his possession three or more pieces of counterfeit coin other than gold or silver coin, knowing them to be counterfeit, and with intent to utter any of them;

Uttering counterfeit coin other than gold or silver coin.

is guilty of a misdemeanour and is liable to imprisonment for one year.

364. Any person who defaces any coin by stamping thereon any name or word, whether the weight of the coin is or is not thereby diminished, is guilty of a misdemeanour and is liable to imprisonment for one year.

Defacing coin by stamping words thereon.

365. Any person who, with intent to defraud, utters as and for gold or silver coin:—

- (a) any coin which is not a coin within the meaning of this Code; or
- (b) any metal or piece of metal, whether a coin or not, which is of less value than the coin as and for which it is uttered;

Uttering foreign coin, medals, etc., as coin with intent to defraud.

is guilty of a misdemeanour and is liable to imprisonment for one year.

Exporting  
counterfeit coin.

366. Any person who, without lawful authority or excuse, the proof of which lies upon him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from Palestine, any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a misdemeanour and is liable to imprisonment for two years.

Uttering defaced  
coin.

367.—(1) Any person who utters any coin which is defaced by the stamping of any name or word thereon is guilty of a contravention and is liable to a fine of two pounds.

(2) A tender of payment in money made in any coin so defaced is not a legal tender.

(3) A prosecution for any such offence under this section shall not be commenced without the consent of the Attorney-General.

Seizure and for-  
feiture of  
counterfeit coin,  
instruments, etc.

368. If it shall be made to appear by information on oath before a Magistrate that there is reasonable cause to believe that any person has, or has had, in his custody or possession without lawful authority or excuse :—

(a) any counterfeit coin; or

(b) any tool, instrument or machine whatsoever, adapted or intended for the counterfeiting of any coin; or

(c) any filings or clippings, or any gold or silver bullion or any gold or silver dust, solution or otherwise which shall have been produced or obtained by diminishing or lightening any gold or silver coin,—

the Magistrate may grant a warrant to search for the same, and if the same shall be found on search, it shall be seized and forfeited by order of the court before which the offender is tried or, if there be no trial, by order of a Magistrate.

Power to  
impound coin.  
Gaz: 28.12.39,  
p. 184.

369. Any officer of the Government or the manager of any bank who received any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and shall forthwith deliver it to the nearest Police Station, and the Police, after taking such action and making such investigations with regard thereto as they shall deem expedient, shall cause such coin to be transmitted to the Treasurer who may cut, deface, or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit. The decision of the Treasurer that a coin is counterfeit and that compensation should be granted or withheld shall be final; and no person shall be entitled to claim, and no proceedings or action shall be brought against the Treasurer or the Government of Palestine in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

Refusing to take  
at face value  
coin current in  
Palestine.

370. Any person refusing to take at its face value any coin or note which is legal tender in Palestine, is guilty of a contravention, and is liable to a fine of five pounds.



CHAPTER XLII.

*Counterfeit Stamps.*

371 Any person who, without lawful authority or excuse, the proof of which lies on him :—

Possession of die used for purpose of making stamps.

- (a) makes or mends, or begins or prepares to make or mend or use, or knowingly has in his possession, or disposes of, any die, plate or instrument, capable of making an impression resembling that made by any die, plate or instrument, used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the Posts and Telegraphs Department in Palestine or in any part of His Majesty's dominions, or in any country under the protection or mandate of His Majesty, or in any foreign country, or capable of producing any words, figures, letters, marks or lines, resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or
- (b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid;

is guilty of a felony and is liable to imprisonment for seven years.

372. Any person who, without lawful authority or excuse, the proof of which lies upon him :—

Paper and dies for postage stamps.

- (a) makes or begins or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Palestine, or of any part of His Majesty's dominions, or of any country under the protection or mandate of His Majesty, or of any foreign country; or
- (b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument or material, for making such imitation or representation;

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of fifty pounds. And any stamps, and any other such things as aforesaid, which are found in his possession shall be forfeited.

For the purpose of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

373. Any person who, without lawful authority or excuse, the proof of which lies upon him :—

Possession of plate or instrument used for purpose of making seals.

- (a) makes or mends, or begins or prepares to make or mend, or uses or knowingly has in his possession, or disposes of any plate or instrument, capable of making an impression resembling that made by any plate or instrument used for the purpose of making any seal, whether impressed or adhesive, which is used for the purposes of the public service, or by a mukhtar for the time being of any village, a municipal authority, a certifying officer, or by any person duly appointed by law to use a seal, or which is capable of producing

in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or

(b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such plate or instrument, or any paper which has on it or in it such words, figures, letters, marks or lines as aforesaid;

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of fifty pounds.

CHAPTER XLIII.

*Personation.*

Personation in general.

374. Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a misdemeanour.

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he is guilty of a felony and is liable to imprisonment for seven years.

Falsely acknowledging deeds, recognisances, etc.

375. Any person who, without lawful authority or excuse, the proof of which lies upon him, makes, in the name of any other person, before any court or person lawfully authorised to take such an acknowledgement of liability of any kind, or an acknowledgement of a deed or other instrument, is guilty of a misdemeanour.

Personation of a person named in a certificate.

376. Any person who utters any document which has been issued by lawful authority, to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Lending, etc., certificate for personation.

377. Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that that other person may represent himself to be the person named therein, is guilty of a misdemeanour.

Personation of person named in a testimonial of character.

378. Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.

Lending, etc. testimonial for personation.

379. Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells, or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment, is guilty of a misdemeanour.



DIVISION VIII.—MISCELLANEOUS.

CHAPTER XLIV.

*Minor Offences.*

380. Any person who without lawful cause :—

Street offences.

- (a) obstructs the free passage on any public way by depositing or leaving thereon any material or other things, or placing or allowing to project over it any material or thing which interferes with the safety or freedom of passage thereon, or by digging excavations therein, or in any manner whatsoever encroaches thereon;
- (b) having lawfully made excavations in or construction on a public way, or deposited materials or other things thereon, fails to place a lamp or light upon any heap of earth, stones or other materials, or channel or drain or excavation, or otherwise to protect or warn passers by;
- (c) extinguishes any lamp or lantern used for lighting a public way, or removes or extinguishes any light placed to indicate an excavation made upon a public way or anything placed thereon;
- (d) places or leaves on any public way any filth, sweepings, refuse or other offensive object or substance;
- (e) throws any refuse or other things upon a public way in such manner as to cause injury or annoyance to any passer by;
- (f) leaves or fastens any animal in such a manner as to cause obstruction in a public way, or allows any cattle or any animal used for draught, burden, or riding to stray on a public way, or causes any vehicle to remain or stand so as to cause obstruction in a public way longer than is necessary for loading or unloading or the taking up and setting down of passengers;
- (g) neglects or fails to repair or demolish any building or structure which is in a dangerous or ruinous state when ordered in writing so to do by the local authority;
- (h) neglects or fails to clean or repair any furnace or chimney of any house, workshop or factory;
- (i) discharges any firearm within the limits of any town, village or other inhabited place or lets off fireworks in any public way where it is liable to cause any damage or annoyance;
- (j) makes any noise or uproar to the disturbance of the tranquillity of the public;

is guilty of a contravention and is liable to a fine of five pounds; and in the case of paragraphs (a), (d), (e) or (i), shall be liable also to pay the cost of removing the obstruction or repairing the damage.

381. Any person who, when required so do by any person employed in the public service, refuses to lend assistance which is within his power when required to help in a case of flagrant crime, or on the occasion of any shipwreck, fire, inundation, earthquake or other public calamity, is guilty of a contravention and is liable to imprisonment for seven days or to a fine of five pounds.

Refusal to lend assistance in certain cases.

Offences where penalty not otherwise provided.

Hotel keepers failing to exhibit lights, etc.

Sowing land abutting on the highway.

Trespass on agricultural land or gardens.  
Gaz: 28.12.44,  
p. 174.

Cruelty to animals.

382. Any person who contravenes any provision of any law for which no penalty is otherwise provided, is guilty of a contravention and is liable to imprisonment for seven days or to a fine of five pounds.

383. Any person who, being a hotel keeper or lodging house keeper, fails to exhibit any lantern or light on his premises at night in accordance with any regulations in force for the time being, or to keep a register of every person staying or lodging in such hotel or lodging house, or to produce such register to a police officer for inspection on demand, is guilty of a contravention and is liable to a fine of five pounds.

384. Any person who without authority sows, plants or cultivates land lying within seventy-five centimetres from the outer edge of a public way is guilty of a contravention and is liable to imprisonment for one week or to a fine of five pounds.

For the purpose of this section a public way is deemed to extend to the outer edge of the channel or gutter, or the foot of the embankment.

385.—(1) Any person who, without lawful authority or excuse (the onus of proving the existence of which shall be upon such person)—

(a) enters upon or is on any garden, or any land prepared for sowing or sown or on which a crop is standing; or

(b) causes any animal, or suffers any animal of which he is the owner or is for the time being in charge, to enter upon or be on any garden or any such land as is referred to in paragraph (a) of this subsection, or any land which has been cultivated during the previous twelve months,

shall be guilty of a misdemeanour and shall be liable to a fine of fifty pounds, or to imprisonment for three months, or to both such fine and imprisonment.

(2) In this section the word "crop" includes a grass crop sown for the purpose of grazing animals and the words "sowing" and "sown" shall be construed accordingly.

386.—(1) Any person who:—

(a) cruelly beats, overloads, tortures or otherwise illtreats any tame or domestic animal or any wild animal which has been deprived of its liberty, or causes, or being the owner permits, any animal to be so used;

(b) wilfully works any animal which by reason of age, sickness, wounds or infirmities is not in a fit state to work, or causes, or being the owner, permits any animal to be so worked;

(c) confines, ties up, carries or conveys any animal in such a way as to cause it unnecessary suffering or, being the owner, permits any unnecessary suffering to be caused;

is guilty of a contravention and is liable for the first offence to imprisonment for one week or a fine of five pounds and for a second or subsequent offence is guilty of a misdemeanour and is liable to imprisonment for one month or to a fine of twenty pounds or to both such penalties.

Section 385: Cr.A.D.C., TA. 75/43, 1943 S.C.D.C. 203.

" " " " Ha. 164/45, 1945 S.C.D.C. 747,

Section 386(1)(b) & (c): Cr.A. 145/37, 5 P.L.R. 123.



(2) Any animal in respect of which any offence is committed under this section may be seized and detained by a police officer or any authorised person and taken to an authorised veterinary hospital. It shall be lawful for the person in charge of such hospital to detain the animal until it is fit for work, or upon a certificate of a veterinary officer or licensed veterinary surgeon to destroy it. The cost of feeding and treating the animal so detained shall be recoverable from the owner thereof and in default of payment the animal may be sold by order of the court. Where an animal is destroyed upon a certificate of a veterinary officer or surgeon no compensation shall be payable.

(3) In this section "animal" includes any bird, beast, fish or reptile and "authorised" means authorised by the High Commissioner.

387. Any person who has been entrusted by reason of his profession or occupation with secret information (not being an official secret within the meaning of the Official Secrets Ordinance, 1932), and discloses such information, save when he is required by law so to do, is guilty of a contravention and is liable to imprisonment for one week or to a fine of five pounds.

Disclosure of secret information by professional man.

#### *Restitution of Property.*

388.—(1) Where any movable property has come into the possession of the police in connection with any criminal charge, any court of a Judge or a Magistrate thereof may, on application, either by a police officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court or Judge or Magistrate to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the court or Judge or Magistrate may seem meet.

Order with respect to property in possession of police.  
Gaz: 20.11.46,  
p. 231.

(2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

388A.—(1) Where any person is convicted of an offence against section 96 or 286 and it appears to the Court that by the act or acts constituting the offence any person has been dispossessed of any immovable property, the Court may, if it thinks fit, make either or both of the following orders, that is to say —

Order with respect to possession of immovable property.  
Gaz: 20.11.46,  
p. 231.

(a) an order for the ejection from such property of the person who committed the offence,

(b) an order for the possession of such property to be restored to the person so dispossessed or to be given to any other person appearing to the Court to be entitled to such possession, and such order shall be enforceable in the same manner as a judgment given in civil proceedings.

For the purposes of this subsection, a special verdict of "Guilty but insane" (or "Guilty but insane by reason of intoxication") shall be deemed to be a conviction.

(2) No appeal shall lie from any order made under subsection (1) except in conjunction with, and incidental to, an appeal against a conviction, if any, pronounced in the proceedings aforesaid, and no appeal shall lie against any refusal by a Court to make an order under subsection (1). Any appeal under this subsection shall be entertained by the Court which entertains the appeal against the conviction. No appeal under this subsection shall operate as a stay of execution of the order unless the Court appealed from or the appellate Court shall otherwise direct; applications for such stay shall in the first instance be made to the Court from which the appeal is made.

(3) No order made under subsection (1) shall prejudice any right or interest to or in the immovable property concerned which any person may be able to establish in a civil suit.

*Custody of children in certain cases.*

Custody of  
child in  
case of  
prosecution  
for offence  
under chapters  
XVII and XVIII.

389.—(1) Where a person having the care or custody of a child under the age of sixteen years is convicted in respect of such child of an offence under chapters XVII and XVIII, or has been committed for trial for any such offence, the court convicting the offender or the court before which the offender is committed for trial may, if satisfied that it is expedient, order that the child be committed to the care of a relative or of any other fit person or institution named in the order, and being willing to undertake such care, until he attains the age of sixteen years or for any shorter period. The court shall in making such order have regard to the religion professed by the parents of the child.

(2) If the child has a parent or legal guardian, no order shall be made under this section unless such parent or legal guardian has been convicted of or committed to trial for an offence under chapters XVII and XVIII, or has been proved to the satisfaction of the court making the order to have been a party to, or privy to the offence, or cannot be found.

(3) The consent of any person to undertake the care of a child shall be proved in such manner as the court may think sufficient to bind him.

(4) Where an order is made under this section in respect of a person who has been committed for trial, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it.

(5) The court or any court of the like jurisdiction may, on the application of any person interested, from time to time, renew, vary or revoke any order made under this section.

*Repeal and Commencement.*

Repeal.

390. The laws specified in the first and second columns of the schedule to this Code are hereby repealed to the extent stated in the third column of the schedule :



Provided that if prior to the coming into operation of this Code the revised edition authorised by the Revised Edition of the Laws Ordinance, 1934, shall have been brought into operation, any references in this Code or the schedule to any laws shall be deemed to be references to the corresponding provisions in the revised edition.

391. This Code shall come into operation upon a day to be fixed by the High Commissioner by notice in the *Gazette*. \* Commencement and saving.

Provided that nothing in this Code shall apply to any offence committed prior to such commencement or to the trial of any person for any such offence and the provisions of any law repealed by this Code shall be deemed to apply to any such offence or the trial of any such offender.

THE SCHEDULE.

(Section 390).

<i>No. of Ordinance</i>	<i>Short Title</i>	<i>Extent to which repealed</i>
—	Ottoman Code of Criminal Procedure ... ..	Article 7
—	Prevention of Cruelty to Animals Ordinance, 1919 ... ..	The whole
—	Dissemination of False News Ordinance, 1921	The whole
No. 22 of 1924	Trial Upon Information Ordinance, 1924 ...	Sections 53 & 54
No. 5 of 1926	Forests Ordinance, 1926. ... ..	Section 19(1)
No. 2 of 1927	Criminal Law Amendment Ordinance, 1927	The whole
No. 3 of 1927	Prevention of Intimidation Ordinance, 1927	The whole
No. 14 of 1927	Currency Notes Ordinance, 1927 ... ..	Sections 5 to 9 inclusive
No. 22 of 1927	Obscene Publications Ordinance, 1927 ... ..	The whole
No. 32 of 1927	Bank Notes Forgery Ordinance, 1927 ... ..	The whole
No. 48 of 1927	Coinage Ordinance, 1927 ... ..	The whole
No. 50 of 1927	Criminal Law Amendment Ordinance (No. 2), 1927 ... ..	The whole
No. 13 of 1928	Probation of Offenders Ordinance, 1928 ...	The whole
No. 14 of 1929	Coinage Amendment Ordinance, 1929 ... ..	The whole
No. 15 of 1929	Perjury Ordinance, 1929 ... ..	The whole
No. 41 of 1929	Criminal Law (Seditious Offences) Ordinance, 1929 ... ..	The whole
No. 43 of 1929	Blasphemy Ordinance, 1929 ... ..	The whole
No. 20 of 1930	Post Office Ordinance, 1930 ... ..	Section 98
No. 25 of 1930	Contempt of Court Ordinance, 1930 ... ..	The whole
No. 43 of 1932	Criminal Law (Seditious Offences) (Amendment) Ordinance, 1932 ... ..	The whole
No. 12 of 1933	Unlawful Instigation Ordinance, 1933 ... ..	The whole
No. 48 of 1933	Prevention of Crime Ordinance, 1933 ... ..	Section 15
No. 4 of 1934	Defamation of Princes Ordinance, 1934... ..	The whole
No. 12 of 1934	Prevention of Intimidation (Amendment) Ordinance, 1934 ... ..	The whole
No. 45 of 1935	Gaming Ordinance, 1935 ... ..	The whole
No. 21 of 1936	Criminal Law (Amendment) Ordinance, 1936	The whole

*Notes* This Code came into operation on the 1st day of January, 1937. See *Palestine Gazette* No. 654 of 24.12.36. page 1427.

<i>No. of Ordinance</i>	<i>Short Title</i>	<i>Extent to which repealed</i>
No. 23 of 1936	Criminal Law (Seditious Offences) (Amendment) Ordinance, 1936 ... ..	The whole
No. 31 of 1936	Daggers and Knives Ordinance, 1936 ... ..	The whole
No. 43 of 1936	Prevention of Cruelty to Animals (Amendment) Ordinance, 1936 ... ..	The whole
No. 49 of 1936	Punishment of Offenders (Imprisonment) Ordinance, 1936 ... ..	Sections 2, 3 & 4.
No. 67 of 1936	Prevention of Intimidation (Amendment) Ordinance, 1936 ... ..	The whole

14th. December, 1936.

**A. G. WAUCHOPE**  
*High Commissioner*



# CRIMINAL CODE ORDINANCE 1936

(as amended)

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