

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

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

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

Illustrations.

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

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

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

Illustrations.

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

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

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

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

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

Illustration.

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

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

Illustration.

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

Abetment in
the State of
offences
outside it.

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

Illustration.

A, in the State, instigates *B*, a foreigner in Singapore, to commit a murder in Singapore: *A* is guilty of abetting murder.

Punishment
of abetment
if the act

109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no

express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

abetted is committed in consequence, and where no express provision is made for its punishment.

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

Illustrations.

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

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

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

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

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

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

Liability of abettor when one act abetted and different act done.

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

Illustrations.

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

the circumstances a probable consequence of the abetment, *A* is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of *Y*.

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

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

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

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

Illustrations.

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

Liability of abettor for an effect caused by the act abetted different from that intended by the abettors.

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

Illustration.

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

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

Abettor present when offence is committed.

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

Abetment of an offence punishable with death or imprisonment for life if the offence be not committed in consequence of the abetment.

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

If act causing harm be done in consequence.

Illustration.

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

116. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence or with both;

Abetment of offence punishable with imprisonment, if offence be not committed.

And if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

If abettor or person abetted be a public servant whose duty it is to prevent offence.

Illustrations.

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

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

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

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

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

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

Illustration.

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

Concealing
design to
commit
offence
punishable
with death or
imprison-
ment.

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

Illustration.

A, knowing that a gang-robbery is about to be committed at *B*, falsely informs the Magistrate that a gang-robbery is about to be

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

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

Public servant concealing design to commit offence which it is his duty to prevent.

Illustration.

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

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

Concealing design to commit offence punishable with imprisonment.

Chapter VA.

CRIMINAL CONSPIRACY.

Definition of
criminal
conspiracy.

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

(i) an illegal act, or

(ii) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

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

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

Punishment
of criminal
conspiracy.

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

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

Chapter VI.

OFFENCES AGAINST THE STATE.

Waging or
attempting
to wage war,
or abetting
waging of
war, against
the Sultan
or the Queen.

121. Whoever wages war against the Sultan or against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with death or with imprisonment of either description which may extend to fifteen years, and shall also be liable to fine.

Illustration.

A joins an insurrection against the Sultan: A has committed the offence defined in this section.

121A. Whoever, within or without the State conspires to commit any of the offences punishable by section 121, or to deprive the Sultan of the sovereignty of the State, or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government, shall be punished with imprisonment of either description, which may extend to ten years, and shall also be liable to fine.

Conspiracy to commit offences punishable by section 121.

Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

122. Whoever collects men, arms, or ammunition or otherwise prepares to wage war, with the intention of either waging, or being prepared to wage, war against the Sultan or against the Queen, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Collecting arms, etc., with the intention of waging war against the Sultan or the Queen.

123. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Sultan or against the Queen, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Concealing with intent to facilitate design to wage war.

124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Sultan or the Government established by law in the State shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Sedition.

Explanation 1.—The expression “disaffection” includes disloyalty and all feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting, or attempting to excite, hatred, contempt, or disaffection, do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government, without exciting or attempting to excite, hatred, contempt, or disaffection, do not constitute an offence under this section.

Public servant voluntarily allowing prisoner of State or war to escape.

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

Public servant negligently suffering such prisoner to escape.

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

Aiding escape of, rescuing, or harbouring such prisoner.

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

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

Chapter VII.

OFFENCES RELATING TO THE ARMY, NAVY, AIR FORCE AND POLICE.

Abetment of mutiny to induce soldier, etc. from his duty.

131. Whoever abets the committing of mutiny by an officer or constable in the Police forces of the State or by an officer, soldier, sailor or airman in the Army, Navy or Air Force of Her Majesty, or attempts to seduce any such person from his allegiance or his duty shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Explanation.—In this section the word “officer” includes a commissioned, a non-commissioned and a warrant officer.

132. Whoever abets the committing of mutiny by any of the persons mentioned in section 131 shall, if mutiny be committed in consequence of that abetment, be punished with death, or imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Abetment of mutiny, if mutiny is committed in consequence thereof.

133. Whoever abets an assault by any of the persons mentioned in section 131 on any superior officer being in the execution of his office shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Abetment of assault by soldier, etc., on his superior officer when in execution of his office.

134. Whoever abets an assault by any of the persons mentioned in section 131 on any superior officer being in the execution of his office shall, if the assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetment of such assault if the assault is committed.

135. Whoever abets the desertion of any of the persons mentioned in section 131 shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Abetment of desertion.

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that any of the persons mentioned in section 131 has deserted, harbours such person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Harbouring deserter.

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

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Police forces of the State or from the Army, Navy, Air Force, or Police forces of Her Majesty is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred dollars, if he might have known of

Deserter concealed on board merchant vessel through negligence of master.

such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Abetment of act of insubordination by soldier, etc.

138. Whoever abets what he knows to be an act of insubordination by any of the persons mentioned in section 131 shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Wearing garb or carrying token used by soldier, etc.

140. Whoever, not being an officer or constable in the Police forces of the State, wears any garb or carries any token used by such an officer or constable, or not being an officer, or a soldier, sailor or airman in the Army, Navy or Air Force of Her Majesty, wears any garb or carries any token resembling any garb or token used by such an officer or constable, or by such an officer or soldier, sailor or airman, as the case may be, with the intention that it may be believed that he is such an officer or constable, or such an officer or soldier, sailor or airman, as the case may be, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred dollars, or with both.

Chapter VIII.

OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

Unlawful assembly.

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

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

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

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

(iv) by means of criminal force, or show of criminal force to any person, to take or obtain possession of

any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

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

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

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

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

144. Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Joining unlawful assembly armed with deadly weapon.

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

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

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

Rioting
armed with
deadly
weapon.

148. Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Every
member of
unlawful
assembly
guilty of
offence com-
mitted in
prosecution
of common
object.

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

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

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

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

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

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

Assaulting or
obstructing
public
servant when
suppressing
riot, etc.

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

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

Wantonly giving provocation with intent to cause riot.

153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the Sultan's subjects in the State shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Promoting enmity between classes.

Explanation.—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of the Sultan's subjects in the State.

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

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

155. Whenever a riot is committed for the benefit, or on behalf, of any person who is the owner or occupier

Liability of persons for whose benefit riot is committed.

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

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

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

Harbouring persons hired for an unlawful assembly.

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

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

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

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

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

160. Whoever commits an affray shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty dollars, or with both. Punishment for committing affray.

Chapter IX.

OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

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

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

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

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

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

Illustrations.

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

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

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

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

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

Taking gratification for exercise of personal influence with public servant.

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

Illustration.

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

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

Punishment for abetment by public servant of offences defined in sections 162 or 163.

Illustration.

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

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

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

Illustrations.

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

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

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

Public servant disobeying law, with intent to cause injury to any person.

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

Illustration.

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

Public servant framing an incorrect document with intent to cause injury.

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

Public servant unlawfully engaging in trade.

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

Public servant unlawfully buying or bidding for property.

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

Personating a public servant.

170. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and, in such assumed character, does, or attempts

to do, any act under colour of such office, shall be punished with simple imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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

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

Chapter X.

CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to three hundred dollars, or with both; or, if the summons, or notice, or order is to attend in person or by agent, or to produce a document, in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred dollars, or with both.

Absconding to avoid service of summons or other proceeding.

173. Whoever, in any manner, intentionally prevents the serving on himself, or on any other person, of any summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice, or order, or intentionally prevents the lawful affixing to any place of any such summons, notice, or order, or intentionally removes any such summons, notice, or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation under the authority of any public servant, legally competent, as such public servant, to direct such proclamation to be made, shall be punished

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

with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred and fifty dollars, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document, in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred dollars, or with both.

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

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

Illustrations.

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

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

Omission to produce document to public servant by person legally bound to produce it.

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

Illustration.

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

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

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

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

Furnishing false information.

Illustrations.

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

(b) *A*, a police officer, knowing that a considerable body of strangers has passed through his village in order to commit a gang robbery in the house of *Z* a wealthy merchant residing in a neighbouring place, and being bound to give information of the above fact to his superior officer, wilfully misinforms that officer

that a body of suspicious characters passed through the village with a view to commit gang robbery in a certain distant place in a different direction. Here *A* is guilty of the offence defined in the latter part of this section.

Explanation.—In section 176 and in this section, the word “offence” includes any act committed at any place out of the State, which, if committed in the State, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, and the word “offender” includes any person who is alleged to have been guilty of any such act.

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

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

Refusing to
answer a
public ser-
vant author-
ized to
question.

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

Refusing to
sign
statement.

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

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

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