THE BAGHDAD PENAL CODE
I, Lieutenant-General William Raine Marshall, Knight Commander of the Bath, Knight Commander of the Star of India, by virtue of the authority vested in me as General Officer Commanding-in-Chief His Britannic Majesty's Forces in Mesopotamia, do hereby proclaim and order as follows:

1. The Law entitled "The Baghdad Penal Code" is hereby promulgated and shall be brought into force on the 1st day of January, 1919. Copies of the said Law shall be open to inspection and shall be on sale at the offices of all Political Officers and Assistant Political Officers in the Baghdad Wilayet.

2. Offences committed against members or followers of the British Forces or any authority established by order of the British authorities may be punished either under the provisions of "The Baghdad Penal Code" or under the provisions of "The Indian Penal Code".

3. The Code shall take effect and be applied subject to the exigencies of the Military Occupation of the Territories to which it applies, and to the laws and customs of war.

Made at Baghdad this 21st day of November, 1918.

W. R. MARSHALL, LIEUT.-GENERAL,
Commanding-in-Chief,
MEMORANDUM
EXPLANATORY OF
THE BAGHDAD PENAL CODE.

"The Baghdad Penal Code" has been prepared as a temporary and provisional law for use in the Courts which have been established by the British Military Authorities in the Baghdad Wilayet. In accordance with the policy that so far as possible the local laws in existence at the date of the Occupation should be continued, the Baghdad Penal Code is based on the Ottoman Penal Code which at the date of the Occupation was in force in the Baghdad Wilayet as elsewhere in the Ottoman Empire. The Ottoman Code is itself based on the French Penal Code, but contains important divergencies from that Code. It was published in the year, 1859, and has since been frequently amended. Such amendments have usually been clumsy and there has been no attempt at re-arrangement. The result is that the Ottoman Code as it now stands is unscientific, ill-arranged and incomplete.

It has been necessary therefore to make very considerable amendments and additions to the Ottoman Penal Code. These amendments and additions have mostly been taken from the Egyptian Penal Code, which is itself based on the French Penal Code, or from other Egyptian sources. The local conditions in Egypt and this country have so many points of resemblance, that provisions which have been found to work well in that country are likely to be suitable here. While large additions and amendments have been made, and provisions from Egyptian sources have been substituted bodily for some of the most unsatisfactory parts of the Ottoman Code, a complete revision has not been attempted. Such a revision should be undertaken as soon as the necessary staff and time are available.

It is believed that the Code will present few difficulties to officers familiar with British or Indian Criminal Law. It may be useful, however, to draw their attention to the different treatment of homicide which is found in the Baghdad Penal Code to that followed in English systems of law. Under the English system every wilful homicide is murder and punishable with the death sentence, unless it falls within certain definite exceptions. Under the Baghdad Penal Code, which in this respect adopts the system followed by Ottoman and French Law, wilful homicide is not murder, unless it is premeditated or accompanied by certain aggravating circumstances. The practical effect of the two systems is, however, very nearly the same. Wilful homicide committed with premeditation will always constitute murder under English Law. And the cases, in which homicide is murder under English Law, but is not murder under French or Turkish Law, are rare.

The Baghdad Penal Code contains no complete definition of the word premeditation. The definition in the Ottoman Penal Code is incomplete, and in most modern Continental Codes the term is not defined, it being considered that the "word explains itself better than any definition that can be found for it." It may, however, be useful to point out that premeditation combines two elements, first, a considered intention formed before the action which results in the crime, and secondly, that at the time of forming the intention, the offender is in a sufficiently cool and collected condition to realise the nature and probable consequences of his act.

In the application of the Code it must always be remembered that all offences under the Code are subject to the general principles as to criminal responsibility and exculpatory circumstances, which are set out in Chapter IV.

21st November, 1918.
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THE BAGHDAD PENAL CODE.

(Promulgated on the 21st day of November, 1918, amended by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919, dated the 18th day of July, 1919, and by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920, dated the 23rd March, 1920, and printed as amended).

[NOTE.—References to sections of the Ottoman Penal Code are expressed by the letter O followed by the number of the section referred to.]

PART I.

General Provisions

CHAPTER I.

APPLICATION OF CODE. DEFINITIONS.

1. This Code may be called the Baghdad Penal Code.

2. (i) This Code shall be in force and shall apply in such parts of the territories of Iraq, which are or may hereafter be occupied by His Majesty's Forces, as lie outside the Basrah Wilayet and the territorial waters adjacent thereto. Provided that the Civil Commissioner may, from time to time, by Order exclude from, or include in, the territories, to which this Code applied, any area or areas.

By Notification, dated the 8th March, 1919, the Baghdad Penal Code was applied to the Wilayat of Basrah and the territorial waters adjacent thereto.

(ii) This Code shall take effect and be applied, subject to the exigencies of the military occupation of the territories to which it applies, and to the laws and customs of war.

3. In no case shall the provisions of this Code derogate from the personal Rights under Sharaa. (01.) Sharaa not affected.

4. The provisions of Part I of this Code shall be applicable to offences under the provisions of special laws or regulations, save in so far as such laws and regulations contain express provision to the contrary.

5. In these regulations the following words and expressions have the following meanings, unless a different intention appears from the subject or context:

A person is said to "forge" who, with intent to defraud—

(1) Makes, signs, or seals a document or part of a document in such a way as to cause it to be believed that such document was made, signed, or sealed by, or by authority of a person by whom, or by whose authority he knows that it was not made, signed or sealed; or

(2) Gives to a document a date which he knows to be false, or causes the place of making to be wrongly stated therein, if such place is material to the effect of the document; or

(3) Alters a document in any material part thereof, whether by addition, insertion, erasure, or otherwise, after it has been made, signed, or sealed either by himself or any other person; or

(4) Causes any person to sign, seal, or alter any document, knowing that such person, by reason of unsoundness of mind or intoxication, or by reason of deception practised on him, does not know the contents of the document or the nature of the alteration.

A person is said to "counterfeit" who causes one thing to resemble another thing, intending thereby to deceive any person. Where the resemblance is such that a person might be deceived thereby, it shall be presumed, unless the contrary is proved, that the person so causing the one thing to resemble another intended to deceive.

Wherever the word "year" or the word "month" is used, it is to be understood that the year or month is to be reckoned according to the Gregorian Calendar.

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CLASSES OF OFFENCES.

6. Offences are of three kinds:—

(i) Crimes:

(ii) Misdemeanours:

(iii) Contraventions. (02.)

Classification of offences.
7. A crime is an offence punishable with any of the following penalties:
   - Death:
   - Penal servitude for life:
   - Penal servitude for a term:
   - Imprisonment from three to fifteen years. (03.)

8. A misdemeanour is an offence punishable with either of the following penalties:
   - Imprisonment from six months to three years:
   - Fine: (04.)

9. A contravention is an offence punishable with either of the following penalties:
   - Imprisonment for a term of less than six months:
   - Fine not exceeding L.T. 10. (05.)

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10. The substantive punishments which may be inflicted under the provisions of this Code are:
   - (i) Death:
   - (ii) Penal Servitude for life:
   - (iii) Penal Servitude for a term:
   - (iv) Imprisonment which is of two kinds:
     - (a) rigorous:
     - (b) simple:
   - (v) Detention in a Reformatory School or Establishment:
   - (vi) Fine:
   - (vii) Flogging:
   - (viii) Whipping.

Section 10 (vii) flogging was inserted by B. P. C. & C. P. R. A., 1919.

11. Whenever a person is convicted of an offence punishable with death, the Court may, if it is of opinion that the circumstances of the case are of such a nature as merit leniency, substitute for the death penalty that of penal servitude for life, and shall in the judgement state the reasons why sentence of death was not passed.

12. (i) The sentence of death shall be carried out by hanging.
   (ii) The sentence shall not be carried out, unless it has been confirmed by the Civil Commissioner or by an officer holding his warrant to confirm death sentences under this Code. (016.)
   (iii) It shall not be carried out on a holiday of the religion to which the condemned person belongs. (022.)
   (iv) If a woman who has been sentenced to death is found to be with child, execution shall be stayed, and the execution shall not be carried out until after she is delivered of the child.

13. The penalty of penal servitude consists of being employed for life, in case of a life sentence, or during the term fixed by the sentence, in case of a sentence for a term, with fetters upon the legs, at such forms of labour of the most severe kind as shall be prescribed by the Government. (019, 20, 21.)

   Males who have completed their sixty-fifth year, and females, shall not be fettered.

14. Sentences of death or penal servitude shall be published at the headquarters of the Wilayet in which the sentence is passed, and in the district in which the offence was committed, and in the place where the sentence is to be carried out, and in the locality where the condemned person resides. (033.)

15. The penalty of imprisonment consists in confinement in a Government pison during the term fixed by the sentence. Such term shall not be less than 24 hours nor more than 15 years, except in cases where the law specially provides otherwise.

   Persons sentenced to rigorous imprisonment shall be employed at such forms of labour either in the prison or outside as may be prescribed, having regard to their condition and aptitude for labour.

   Persons sentenced to simple imprisonment can be required to perform such services within the prison as may be prescribed, having regard to their condition and aptitude for labour. (034.)
16. The Court shall pass sentence of rigorous imprisonment whenever the duration of the penalty imposed is one year and upwards, and in the cases which the law so directs.

In all other cases the Court may pass sentence of imprisonment of either kind.

17. (i) A person sentenced to simple imprisonment for a period of three months or less may declare his option before the warrant of detention has been issued, to be employed on labour outside the prison on the conditions hereinafter stated instead of being imprisoned: provided that such option has not been excluded by the sentence, and that in the opinion of the Political Officer or Assistant Political Officer, there is work on which such person can be usefully employed.

(ii) The person so declaring his option shall be employed, during the number of days included in the sentence of imprisonment, without remuneration on labour, in the town or district where he is residing, such labour to be performed without being excluded by the sentence, and that in the opinion of the Political Officer or Assistant Political Officer.

The daily task shall be six hours' work, fixed with regard to his physical capacity.

(iii) If a person who has declared his option for labour as aforesaid fails to present himself on any day at the time fixed for the commencement of the labour, or absents himself from his labour, or fails to accomplish his fixed task, or is insubordinate, he shall be sent to prison to undergo the imprisonment to which he was sentenced, deduction being made of the days on which he has completed his task.

The penalty of detention in a Reformatory School or institution consists in being kept at such school or institution for a period fixed by the Court, which shall not be less than six months, nor more than five years.

No offender shall be committed to a reformatory school or institution who has completed his fifteenth year.

Section 18.—The words "six months" were substituted for the words "two years" by the B. P. C. & C. P. R. A., 1919.

19. The duration of a penalty, restrictive of liberty, shall be computed from the day on which, after the sentence has become enforceable, the offender is detained in custody by virtue thereof: provided that the period spent under preventive arrest shall be deducted. (026 and 39.)

20. Where no sum is expressed in this Code to which a fine may extend, the amount of the fine to which the offender is liable is unlimited, but shall not be excessive.

21. (i) Whenever an offender is sentenced to a fine, whether with or without imprisonment, and whether under this Code or under any other law for the time being in force, it shall be competent for the Court which sentences such offender to direct by the sentence that in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may be sentenced.

(ii) The term for which the Court directs the offender to be imprisoned in default of payment of a fine, shall not exceed one-fourth of the term of the imprisonment, which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

(iii) If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of the fine, shall not exceed the following scale: that is to say, for any term not exceeding two months, when the amount of the fine shall not exceed £1. T. 4. and for any term not exceeding four months, when the amount of the fine shall not exceed £1. T. 8. and for any term not exceeding six months in any other case.

22. The imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine, or a proportion of the fine, exceeding the proportion which the unexpired term of imprisonment bears to the whole term is either paid or levied by process of law.

23. If a person is sentenced to a fine and to restore stolen property, or pay compensation or damages, the order for restitution of stolen property or payment of compensation or damages will be satisfied in priority to the fine.

23A. (i) The punishment of flogging not exceeding twenty-five lashes, in addition to any other punishment which may legally be awarded other than the punishment of death, may be awarded by a Court of Session or by a Magistrate of the first or second class to a male offender, who in the opinion of the Court is above the age of eighteen years, and who is convicted of an offence against the person in circumstances revealing a grossly cruel or cowardly disposition, or who is convicted of rape or of indecent assault on a female or of being an accomplice to or attempting the commission of rape or of indecent assault on a female or of the commission by force or threats of an unnatural offence or an indecent act with a male person.
OFFENCES PUNISHABLE WITH FLOGGING IN LIEU OF ANY OTHER PUNISHMENT.

(ii) The punishment of flogging not exceeding twenty-five lashes, in lieu of any term of penal servitude or imprisonment to which the offender may legally be sentenced, may be awarded by a Magistrate of the First or Second Class to a male offender who in the opinion of the Court is above the age of sixteen years and has been convicted of an offence other than an offence punishable with penal servitude or imprisonment for life, and for whom, having regard to his youth or lack of education and to his condition and habit of life, flogging is, in the opinion of the Court, an appropriate punishment.

Section 234 (i), (ii) added by B. P. C. § C. P. R. A., 1913.

Whipping.

24. The penalty of whipping, not exceeding 25 strokes, may be passed on any male offender who is, in the opinion of the Court, less than 16 years of age, in lieu of any other punishment to which he might be sentenced for any offence not punishable with death.

TITULAR II.—SUBSIDARY PENALTIES.

25. Subsidiary Penalties are:

(i) Deprivation of the rights and privileges mentioned in Section 26.
(ii) Police supervision.
(iii) Confiscation.
(iv) Compensation.
(v) Security for keeping the peace.

26. Every person sentenced to penal servitude or imprisonment for a term exceeding three years, shall thereafter be incapable of:

(i) Employment as a public official in any capacity:
(ii) Appointment as an agent in any suit:
(iii) Carrying arms.

If at the time of the sentence he is in enjoyment of any of the above rights and privileges, he shall thereby be deprived of them. (030-31.)

27. Every person sentenced to a penalty restrictive of liberty for a term exceeding three years shall be deprived, so long as he is in confinement, of the control and management of his property. He shall appoint, subject to the approval of the Court, an administrator to control and manage his property. In default of appointment by him, an administrator shall be appointed by the civil tribunal of the judicial district in which he resides, on the application of the Procurator, or of any interested party. The tribunal may require any administrator whom it appoints to give security, and shall, if necessary, fix his remuneration. The administrator, whether appointed by the person sentenced or by the tribunal, shall be under the control of the tribunal for all purposes of his administration. The person sentenced shall be incapable of disposing of his property, otherwise than by will or by settlement by way of waqf, except with the authorization of the tribunal. Every contract, affecting his property, made by him, except as hereinbefore mentioned, shall be void. The property of a person sentenced shall be restored to him as soon as he has served his sentence, or has been set at liberty, and the administrator shall render him an account of his administration. (027.)

28. Upon conviction for crime or misdemeanour the Court may order that the person convicted shall, upon the expiration of his sentence, be placed under police supervision for a period equal to the term for which he was sentenced, but so that such period of supervision shall not in any case exceed five years. (012.)

A person sentenced for a crime or misdemeanour against the external or internal safety of the State shall, upon the expiration of his sentence, be placed under police supervision for a period equal to the term for which he was sentenced, but so that such period of supervision shall not exceed five years. (013.)

29. A person who is placed under police supervision is subject to the following conditions:

The Government may prohibit him from residing in certain places. Before the end of his sentence, he must declare the place where he wishes to fix his residence: he will receive a pass determining his route and the length of his stay at places on the way, and he must comply with such pass: on his arrival at his place of residence he must report himself, within 24 hours, to the local authority he may not change his residence, unless he gives notice to the local authority three days previously and receives a new pass. He may be required to report to the police station at such intervals as, subject to any general or special order by the Civil Commissioner, may be fixed by the Commissioner of Police or an officer duly authorised by him at their discretion. For any breach of these conditions the person under police supervision shall be punished with imprisonment not exceeding 1 year.

The words after "a new pass" were added by the Baghdad Penal Code and Criminal Procedure Regulations, 1920.

30. Upon conviction for crime or misdemeanour the Court may order the confiscation of any property seized which is the product of the offence, as well as all weapons, implements and property seized which have actually been used in the commission of the offence or are apt for such use.
Property, the manufacture, use, possession, sale or exposure for sale whereof constitutes an offence, shall always be confiscated even when the property does not belong to the guilty person or when there has been no conviction.

The words "and property" were added and the words "without prejudice to the rights of innocent third parties" were omitted by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

31. Whenever an accused person is tried for an offence which has occasioned damages to any person of a nature recoverable in a Civil Court, the Court shall, upon the application of the person, who has suffered such damage, order the accused to pay him compensation in addition to any other penalty to which the accused may be liable.

Payment of such compensation shall be enforceable in the same manner as a fine by imprisonment in default of payment of the compensation or by distress and sale of the moveable property of the offender.

An order for payment of compensation shall not be made except upon the request of the person entitled, and shall be a bar to his making the same claim by his civil action.

The words after "as a fine" were added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

32. Whenever, on a conviction by a Court for an offence, a sentence for imprisoning the accused is passed, and the accused is committed to prison, the sentence shall be enforced by imprisonment until the time of execution of the sentence, or until the accused is discharged from prison, in accordance with the provisions of the Penal Code and Criminal Procedure Regulations, 1919.

33. When the same act falls within the definition of more than one offence, the penalty described for the offence involving the severest penalty shall alone be imposed.

34. If a person is convicted of two or more offences, both or all of which have been committed before any of them has been tried, the Court shall pass a sentence for each offence, but it may order that the sentences, if restrictive of liberty, shall run either consecutively or concurrently.

35. If a person who has been convicted and is undergoing his sentence is convicted of an offence committed previously to the conviction, the Court may order that the sentence which it passes shall run consecutively to the sentence already passed, or concurrently therewith. If the second sentence is ordered to run concurrently with the first, the two sentences shall run together from the date on which the second is passed.

36. When a sentence restrictive of liberty is imposed on an escaped convict, such sentence and the part, which at the time of his escape remained unexpired of his former sentence, shall run consecutively.

37. When penalties are ordered to run concurrently:
   (i) A sentence of penal servitude shall be executed, to the extent of its duration, to the exclusion of one of imprisonment;
   (ii) A sentence of detention in a reformatory school shall be executed to the entire exclusion of any other sentence, unless the other sentence exceeds in duration the maximum of such period of detention, in which case such other sentence shall alone be executed.

38. When penalties are ordered to run consecutively, a sentence of penal servitude shall be executed before one of imprisonment.

When two or more sentences have been ordered to run consecutively, the total term of penal servitude or of imprisonment shall not exceed twenty years.

39. Fines shall always be cumulative.

40. Sentences of police supervision may be ordered to run consecutively, but so that the total period shall not exceed five years.

**Title IV.—Penalties in accordance with tribal custom.**

41. If the Court or the Magistrate trying the case 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 that it is in the interests of public order and consonant with justice that the case should be so settled, and if the Court or Magistrate is satisfied that the accused is guilty of the offence, the Court or Magistrate, after finding the accused guilty and sentencing him to the penalty ordinarily provided, by this Code or any other Law, for the offence, may, in the alternative, in lieu of the whole or part of the penalty to which the accused has been sentenced under this Code or any other Law, sentence him to such penalty as is customary under tribal custom. Before passing such alternative sentence the Court or Magistrate may make such
Revision of these sentences.

Non-liability in case of insanity or involuntary intoxication.

Non-liability in case of self-defence.

Non-liability in case of good faith and legal right.

Acts of public servants.

Burden of proof in cases under preceding section.

Right of lawful defence.

Exception, where there is time to apply to public authorities.

Resistance to public authority not an exception.

When right of lawful defence of the person justifies homicide.

When right of lawful defence of property justifies homicide.

Limits of the right of lawful defence.

CHAPTER IV.

CRIMINAL RESPONSIBILITY AND EXculpatory CIRCUMSTANCES.

42. No person shall be liable to punishment for any act committed at a time when he had lost the power of appreciating the nature of his acts, or of controlling them, by reason of

(i) insanity or mental infirmity; or

(ii) intoxication caused by intoxicants administered to him against his will or without his knowledge. (O41.)

43. No person shall be liable to punishment for an offence to the commission of which he was constrained by the necessity of preserving himself or another from a great and imminent bodily danger, to which he has not voluntarily given rise, and which he could not avoid by any other means. (O42.)

44. An act done in good faith and in exercise of a right recognized by law does not come within the scope of Criminal Law.

45. No act is an offence which is done by a public servant

(i) in pursuance of an order given him by his official superior, which he was bound to obey or believed himself to be bound to obey; or

(ii) in carrying out, in good faith, any measure prescribed by law, or believed by him to be within the powers of his office. (O42 Add.)

46. In the two preceding sections, the burden of proving that he believed in the lawfulness of his act shall be on the accused, who shall be bound to establish that he acted with due care and attention and that his belief rested on reasonable grounds.

47. No act is an offence which is done in the exercise of the right of lawful defence. Subject to the exceptions hereinafter enumerated, the right of lawful defence authorizes a person to employ the force necessary for the defence of his person, or that of any other, against any act constituting an offence against the person under this Code, or for the defence of his property, or that of another, against an offence of misappropriation, criminal damage or criminal trespass. (O42 Add.)

48. The right does not exist in cases where there is time to have recourse to the Public Authorities.

49. The right of lawful defence does not excuse resistance to any representative of public authority who is acting in good faith and in his official capacity, even in a case where such representative is acting in excess of his powers, unless his acts cause reasonable apprehension that death or serious wounds will result therefrom.

50. The right of lawful defence of the person can only justify wilful homicide when the act to be repelled is

(i) An attack which causes a reasonable apprehension that death or serious wounds will result therefrom;

(ii) Rape or indecent assault with violence; or

(iii) Abduction.

51. The right of lawful defence of property can only justify wilful homicide when the act to be repelled is

(i) arson;

(ii) theft, or extortion;

(iii) entry into an inhabited house or its curtilage during the night; or

(iv) an attack which causes a reasonable apprehension that death or serious wounds will result therefrom.

52. The right of lawful defence in no case extends to the infliction of more harm than it is necessary to inflict for the purpose of defence.

Where a person has wilfully or recklessly exceeded the limits of such right, or where his belief that he was acting in lawful defence was not in fact justified, he shall not be excused from the offence, but the Court may mitigate the penalty.
CHAPTER V.

PRINCIPLES AND ACCESSORIES.

53. A person is concerned as a principal in the commission of an offence: (i) who commits such offence whether alone or in conjunction with others; or (ii) who, in the case of an offence consisting of two or more acts, knowingly participates in such offence by doing one or more of such acts:

provided that, where circumstances personal to any principal are such as to modify with respect to such principal either the character of the offence or the penalty, the effect of such circumstances shall not extend to the other principals concerned in the commission of the offence. The like rule shall apply when the character of the offence varies according to the intent or the knowledge with which it has been committed.

54. A person is concerned as an accessory in the commission of an offence: (i) who instigates to the commission of the act constituting the offence, provided that the act is the consequence of such instigation, or (ii) who is a party to an arrangement having for its object the commission of the offence, provided that the offence is the consequence of such arrangement: or (iii) who knowingly supplies weapons or other implements or means employed in the commission of the offence, or in any other manner aids the principal or principals concerned in the offence in the preparation, facilitation, or commission thereof. (O45.)

55. A person who being an accessory as defined by the preceding section is present at an offence is present at the commission of it shall be deemed to be a principal in the commission of the offence.

56. Except in cases where the law specially provides otherwise, an accessory to an offence shall incur the penalty prescribed by law for the offence: provided always that (i) the effect of circumstances, personal to the principal, which are such as to modify the character of the offence, shall not extend to an accessory who had no knowledge of such circumstances, and (ii) when the character of the offence varies according to the knowledge or intent with which it has been committed, an accessory shall be punished by the penalty which he would have incurred if the principal had acted with the same knowledge or intent as that of the accessory. (O45.)

57. An accessory shall be liable to the penalty prescribed by law, even though the principal may be exempt from all penalty by reason of some ground of justification or by reason of the absence of any criminal intent on his part or by reason of any other circumstances personal to himself.

58. An accessory shall be liable to the penalty prescribed for the offence actually committed, although such offence may be different from that contemplated by him; provided that the offence actually committed was the probable result of the instigation given or of the arrangement entered into, or of the assistance rendered, by such accessory.

CHAPTER VI.

ATTEMPTS.

59. When the commission of a crime or misdemeanour is commenced with intent to commit the same, but completion thereof has been interrupted, or has failed of effect, owing to circumstances independent of the will of the party, then such crime or misdemeanour is said to be attempted.

An act done with intent to commit a crime or misdemeanour, the commission of which in the manner proposed or by the means used was in fact impossible, is an attempt to commit that offence.

The determination to commit a crime or misdemeanour, and acts done by way of preparation for the commission of such crime or misdemeanour, do not constitute an attempt. (O46 Add.)

60. An attempt to commit a crime or misdemeanour shall be punished in accordance with the following provisions, unless the law otherwise directs:

If the penalty prescribed by law for the completed offence is death, it shall be replaced in case of attempt by penal servitude for life or for a term not exceeding 15 years or by imprisonment for a term not exceeding 15 years.
Penal Servitude.

A penalty of penal servitude for life for the completed offence shall be replaced in the case of attempt by penal servitude or imprisonment for a term not exceeding 15 years.

A penalty of penal servitude for a maximum duration of six years or more shall be replaced by penal servitude or imprisonment not exceeding one-half of such maximum.

A penalty of penal servitude for a maximum duration of less than six years shall be replaced by imprisonment not exceeding one-half of such maximum.

Imprisonment.

A penalty of imprisonment shall be replaced by imprisonment not exceeding one-half the imprisonment prescribed for the completed offence, or, where a fine is not prescribed as an alternative penalty for the completed offence, by a fine.

If the penalty for the completed offence is an unlimited fine, the attempt shall also be punishable with an unlimited fine; if the penalty for the completed offence is a fine subject to a maximum, the attempt shall be punishable with a fine not exceeding one-half of such maximum. (046 Add.)

CHAPTER VII.
Criminal Conspiracy and Instigation.

61. When two or more persons agree together to commit an offence, or to prepare or to facilitate the execution thereof, such agreement is a criminal conspiracy. Criminal conspiracy exists, even though the agreement to commit an offence has only been conditional, if in consequence of the agreement measures have been taken which are calculated to assist or facilitate the accomplishment of the offence.

It is immaterial whether the commission of the offence is the ultimate object of the agreement, or is intended only as a means of effecting an object which is in itself lawful.

Punishment for criminal conspiracy where offence is punishable with death or penal servitude for life.

(a) If the maximum penalty prescribed for the offence is death or penal servitude for life, the penalty shall be penal servitude or imprisonment for a term not exceeding seven years.

(b) If the maximum penalty of the offence is penal servitude for a term or imprisonment, the penalty shall be imprisonment not exceeding one-fourth of the maximum prescribed for the offence, or a fine.

62. Whoever is a party to a criminal conspiracy shall, if the execution of the offence has not been commenced, be punished in accordance with the following rules, in the absence of any express provision for the punishment of the conspiracy:

Penal servitude or imprisonment.

(a) If the maximum penalty prescribed for the offence is death or penal servitude for life, the penalty shall be penal servitude or imprisonment for a term not exceeding seven years.

(b) If the maximum penalty of the offence is penal servitude for a term or imprisonment, the penalty shall be imprisonment not exceeding one-fourth of the maximum prescribed for the offence, or a fine.

63. Any person who has originated a criminal conspiracy or has taken a leading part therein shall be punished, in a case falling within the paragraph (i) of the preceding section, with penal servitude or imprisonment for a term not exceeding fifteen years, and in a case falling within paragraph (ii), with imprisonment not exceeding one-half of the maximum prescribed for the offence.

64. Any party to a criminal conspiracy who, before the commission of any offence in pursuance thereof, and before the commencement of legal proceedings, gives the first information to the Authorities, as to the conspiracy and the persons implicated therein, shall be exempt from punishment for the conspiracy.

If, after the commencement of legal proceedings, he procures the arrest of the other parties to the conspiracy, the Court may, at its discretion, exempt him from punishment.

65. Whoever instigates another to commit an offence shall, if the execution of the offence has not been commenced, be punished in accordance with the rules set out in Article 63, in the absence of any express provision for the punishment of such instigation.

66. In the absence of any express provision to the contrary, conspiracy or instigation to commit an offence punishable with imprisonment for less than a year and with fine, or with one of these penalties, shall not be punishable if the execution of the offence has not been commenced in pursuance thereof.

CHAPTER VIII.
Recidivists.

67. A person is said to be recidivist,

(a) who having been sentenced to penal servitude or imprisonment for more than three years is found guilty of a crime or misdemeanour within a period dating from the passing of such sentence and ending ten years after its expiration; or

(b) who having been sentenced to imprisonment for less than three years and more than one year is found guilty of a crime or misdemeanour within a period dating from the passing of such sentence and ending five years after its expiration; or
(c) who having been sentenced for crime or misdemeanor to imprisonment for less than one year or to fine is found guilty of a misdemeanor similar in nature to his former offence and committed within a period of five years from the passing of the sentence.

*For the purpose of this section forgery, theft, extortion, and the other offences specified in Chapter XXVII and XXVIII of this Code are deemed to be offences of a similar nature.

68. In the case of recidivism, as defined by the previous section, the Court shall have power to impose a penalty in excess of the maximum prescribed by the law for the offence, as follows:

(i) If a person sentenced to penal servitude for life, commits a crime which is also punishable with penal servitude for life the Court may sentence him to death.

(ii) In every other case the Court shall have power to impose a penalty in excess of the maximum prescribed by law for the offence, so nevertheless that the penalty shall not exceed twice such maximum. Provided always that the duration of a sentence of penal servitude or imprisonment for a term shall in no case exceed twenty years. (08 Add.)

(iii) If the penalty prescribed by law for the offence is that of imprisonment for a term of three years or more, the Court may substitute for the penalty of imprisonment one of penal servitude for a term not exceeding the term of imprisonment prescribed by law for the offence.

CHAPTER IX.

FIRST OFFENDERS.

69. Whenever sentence of imprisonment for less than a year is passed on an offender against whom no previous sentence of penal servitude or imprisonment exceeding one week is proved, the Court may stay the execution of the sentence of imprisonment upon such offender entering into a bond with or without sureties for a period of five years from the date of the sentence to appear and undergo his sentence if called upon to do so, and in the meantime to keep the peace and be of good behaviour.

Such stay of execution shall not affect the execution of any other order contained in the judgement.

70. If within a period of five years from the date of the sentence, the person sentenced has not committed any offence for which he is sentenced to penal servitude or imprisonment, the sentence of imprisonment, shall be deemed not to have been passed, except that it shall operate as a bar to any future sentence on such person being stayed under the provisions of the last section.

But if the person sentenced within a period of five years from the date of the sentence commits an offence for which he is sentenced to penal servitude or imprisonment, the former sentence will be enforced, and the two penalties will, unless the Court otherwise orders, run consecutively.

CHAPTER X.

JUVENILE OFFENDERS.

71. An accused person who has not completed his seventh year shall not be put on trial.

72. When an accused person who has completed his seventh year but not completed his fifteenth year is guilty of a crime punishable with death or penal servitude for life, imprisonment not exceeding ten years shall be substituted for such penalties.

When such accused person is guilty of a crime punishable with penal servitude for a term, imprisonment not exceeding one-third of the maximum term of penal servitude prescribed by law for the crime shall be substituted therefor.

73. When an accused person who has completed his seventh but not completed his fifteenth year is guilty of any offence, the Court may, instead of passing the sentence prescribed in cases of misdemeanour or contravention, or by the preceding article in case of crime, order:

(i) that such accused person be handed over to his parent or guardian, if such parent or guardian undertakes, in writing, to be responsible for his good behaviour in the future, or, in default to pay a fine the amount whereof shall be fixed by the Court and stated in the undertaking;

(ii) if the accused is a boy, that he be whipped.

The Court may alternatively, in the like case, if the offence is a misdemeanor or crime, commit the accused to a reformatory school or other establishment appointed for the purpose by the Government. In such case,
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Period of committal to reformatory school.

74. The period for which a juvenile offender may be committed to a reformatory school or other establishment for a misdemeanour or crime shall not be less than two nor more than five years.

If the offender has committed two or more crimes or misdemeanours, he may be tried at one time for all such offences and may, in such case, be committed to a reformatory school or other like establishment for a single period of not less than two nor more than five years for the whole of such offences.

An offender who has been committed to a reformatory school or other like establishment shall in no case be committed to a similar establishment a second time.

75. The provisions of Chapter VIII of this Part with regard to recidivism shall not apply to accused persons who have not completed their fifteenth year.

76. If the accused is a boy, the Court may order in addition that he be whipped.

77. The period for which a juvenile offender may be committed to a reformatory school or other establishment for a misdemeanour or crime shall not be less than two nor more than five years.

78. The provisions of Chapter VIII of this Part with regard to recidivism shall not apply to accused persons who have not completed their fifteenth year.

79. In the case of the conviction of an accused person who has completed his fifteenth but has not completed his eighteenth year, the penalties of death and penal servitude for life shall be replaced by that of imprisonment not exceeding fifteen years; and that of penal servitude for a term shall be replaced by imprisonment not exceeding the maximum term of penal servitude prescribed for the offence.

When a boy who has completed his fifteenth but not completed his eighteenth year is found guilty of any offence other than one punishable with death or penal servitude for life, the Court may, instead of passing the sentence prescribed by law, order in case of a boy who has completed his fifteenth but not completed his sixteenth year, that he shall be whipped, and, in case of a boy who has completed his sixteenth but not completed his eighteenth year, that he shall be flogged.

77. If the age of the offender is uncertain it shall be determined by the Court.

CHAPTER XI.

PUBLICATION.

78. Publication may be effected by spoken words or cries, or by acts or gestures, or by means of drawings, pictures, emblems, or images, or by means of matter written, printed, or reproduced in any manner whatsoever.

Spoken words or cries are deemed to be public when they are uttered or reproduced by mechanical means at a public gathering, or in a public street or in any other place to which the public has access, or when they are uttered or reproduced in such a way that they may be heard by persons in a public place.

Acts or gestures are deemed to be public when they are made or done 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 seen by persons in any public place.

Drawings, pictures, emblems, or images, or matter written, printed, or otherwise reproduced, are deemed to be public when they are distributed in a public place or a public gathering, or distributed indiscriminately to a number of persons, or exhibited to the public view, or sold or offered for sale in any place whatsoever.

79. When a prosecution is instituted for an offence committed by any of the means specified in the preceding article, any writing, drawing, picture, emblem, or image, or matter printed or otherwise reproduced which was intended for sale, distribution, or exhibition, or has been actually sold, distributed, or exhibited, as well as any plate, block, stone, or other plant used for reproduction, shall be liable to seizure and confiscation.
PART II.
Offence of a Public Nature.

CHAPTER XII.
Offences against the External Safety of the State
Ottoman Code, Sections 48 to 54, not printed.

CHAPTER XIII.
OFFENCES AGAINST THE INTERNAL SAFETY OF THE STATE

TITLE I.—INSURRECTION,

80. Whoever organizes or places himself at the head of, or holds any command in, any armed band which attacks any section of the inhabitants of the country, or offers armed resistance to the execution of the law by the representatives of the public authority, shall be punished with death.

The penalty shall be penal servitude for life or for a term of imprisonment in the case of any person who has joined the band without having participated in its organization and without having held any command in it. (O66, 57, 62.)

81. Whoever by any overt act incites to the commission of any offence mentioned in the last section shall be punished with penal servitude or imprisonment.

82. Whoever conspires with others with the object of committing an offence mentioned in section 80, or of preparing or facilitating its accomplishment shall be punished with the penalties laid down in that Section.

Whoever makes overtures to others to join in a conspiracy with a view to the commission of any such offence, shall, if such overtures are unsuccessful, be punished with imprisonment not exceeding seven years. (O58.)

83. The provisions of section 64 shall apply to any person who has conspired with others to commit any offence under the preceding sections of this Chapter, provided that no act of violence in pursuance of the conspiracy has taken place.

TITLE II.—UNLAWFUL ASSEMBLIES.

84. Whenever an assembly of five or more persons is likely to cause a disturbance of the public peace, and an order has been given by lawful authority to those persons to disperse, every person, who, knowing of the order, refuses or neglects to obey it, shall be punished with imprisonment not exceeding six months or with fine.

85. Whenever the object of an assembly of five or more persons is to commit any offence whatever, to resist or hinder the execution of any laws or regulations, to deprive a person by force or threat of force of his liberty of action, or by force or threat of force to influence the action of the public authorities, every member of such assembly, who joins it with knowledge of the common purpose or who continues in it after becoming aware of that purpose, shall be punished with the penalties prescribed in the last Section.

If any member of such assembly bears arms or weapons which, used as a means of defence, would be likely to cause death, he shall be punished with imprisonment not exceeding two years or with fine.

86. Whenever force or violence is used by an assembly specified in the preceding section, or by any of its members, the imprisonment prescribed in the first paragraph of the preceding section may be extended as against all the members, to two years, and the imprisonment prescribed in the second paragraph, in the case of those who bear arms or similar weapons, may be increased to five years.

87. The promoters of an assembly that comes within the scope of section 80 shall incur the same penalties as members of the assembly, and shall all be criminally responsible for any offence which may be committed by any member in the execution of the common purpose, even if they were not present at the assembly or withdrew before the offence was committed.
**TITLE III.—DANGEROUS PUBLICATIONS.**

88. Whoever shall set up or work a printing press and print books or other matter without a licence from the Government shall be punished with a fine not exceeding L.T. 50 and the printing house shall be closed. (O137.)

89. Whoever shall print or cause to be printed or published any newspaper, book or other printed matter exciting hatred or contempt against the Government or those invested with public authority, or in such a way as to endanger the public peace against any class of persons shall be punished with a fine not exceeding L.T. 50.

**CHAPTER XIV.**

**OFFENCES BY OR RELATING TO PUBLIC SERVANTS.**

**TITLE I.—CORRUPTION.**

90. Every public official, employee or representative who solicits or accepts for himself or for a third party any gift or promise, or any other benefit whatever, to which he was not entitled, as a motive or reward for doing, or forbearing to do, any act in his official capacity, or for influencing the conduct of a public department, or for using his interest in relation to an appointment to a public office, shall be punished with imprisonment not exceeding three years and with fine, or with one only of these penalties. The gift or the value of any other advantage which he has received shall also be confiscated. (O69, 76 Add.)

91. Every public official, employee or representative who solicits or accepts for himself or for a third person any gift or promise, or any other benefit whatever, to which he is not entitled, as a motive or reward for violating his official duty, shall be punished with imprisonment not exceeding seven years and with fine, or with one only of these penalties, in addition to the confiscation provided in the preceding section.

92. Whoever gives or agrees to give to a public official, employee or representative, either for himself or a third person, any gift or promise, or any other benefit whatever, to which such public servant, employee or representative is not entitled, as a motive for doing or forbearing to do any act in his official capacity or any other act mentioned in section 90, shall be punished with imprisonment not exceeding two years and with fine or with one only of these penalties. (O 69, 76.)

93. Whoever gives or agrees to give to a public official, employee or representative any gift or promise or other benefit, to which such public servant is not entitled, as a motive or a reward for violating his official duty, shall be punished with imprisonment not exceeding five years and with fine, or with one only of these penalties. (O69, 76 Add.)

94. Whoever offers any such gift or benefit shall, if the offer is not accepted by the public servant, be punished for the attempt to commit the offences mentioned in the two preceding sections.

95. Whoever, in any of the circumstances set out in the three preceding sections, knowingly, acts as an intermediary between the person making the offer or the gift and the public servant, shall be punished as accessory to the person making the offer or gift. (O70.)

96. Whoever, in the circumstances set out in sections 92 and 93, knowingly profits by any gift, promise or benefit but does not take any active part as intermediary in the bribery, shall be punished with imprisonment not exceeding one year or with fine not exceeding L.T. 100. The gift or the value of the benefit received shall be confiscated.

97. In any case in which a public official, employee or representative has accepted a corrupt gift, promise or other benefit, the person who has made the gift, or the intermediary, shall be exempt from punishment if he gives the first information of the bribery to the Authorities. (O77, 78.)

**TITLE II.—MISAPPROPRIATION.**

98. Every collector of public moneys, every person employed to collect public moneys, every person in whose hands public moneys are deposited and every person liable to account for public moneys who misapplies or misappropriates any public or private moneys, any bill representing such moneys, any document, certificate, deed or any movable goods, the same having come into his hands by virtue of his office, shall be ordered to restore such property and be punished with imprisonment not exceeding seven years or with fine or with both. (O82.)
99. Every person, who, being charged with defending the public interests in any matter, wilfully causes injury or allows injury to be caused to the said public interests for the profit of a third party, shall be ordered to refund an amount equal to the profit made and be punished with imprisonment not exceeding five years or with fine or with both. (083.)

100. Every public official or employee who withholds the whole or a part of what is due by way of salary or remuneration to any workmen employed by him in virtue of his office, or who compels such workmen to do forced labour without pay, while keeping for himself the amount debited to the Government for his own profit or for the profit of a third party, shall be ordered to refund an amount equal to the profit made and be punished with imprisonment not exceeding seven years or with fine or with both. He shall, in addition, be ordered to pay an amount equal to the profit made by him, which amount shall be paid to those entitled thereto. (086.)

101. Every public official or employee who, not having employed the prescribed number of employees allotted to the work of which he is in charge, appropriates the whole or a part of the salary which would have been payable to such employees, if they had all been employed, or causes the names of persons in his own private service to be entered on the register of Government employees, with a view to being able to pay such servants out of the salary allocated to such Government employees, shall be punished with imprisonment not exceeding seven years or with fine or with both. He shall in addition be sentenced to payment of the amount received, whether received on account of persons who did not appear on the list of such Government employees or received on account of persons in his private service whom he caused to be registered as Government employees. (087.)

102. Every public servant who has an interest either directly or through a nominee in any business undertaking, the management or supervision of which has been entrusted to him in his official capacity, or who takes upon himself, without authorization, the purchase or manufacture of supplies on account of the Government, or enters into a profit-sharing arrangement with the vendor of such supplies or with the person commissioned to manufacture them, shall be punished with imprisonment not exceeding a year or with fine or with both. When such public servant himself receives a commission on public transactions of the above nature or obtains the payment thereof to a third party or realize, or allows a third party to realize, profit on exchange of money, the punishment shall be imprisonment not exceeding two years or fine, or both imprisonment and fine. (088.)

103. Every public servant who in any manner misappropriates public moneys to his own use, or aids another in a similar offence, shall be punished with imprisonment not exceeding seven years, or with fine, or with both. (090.)

TITLE III.—MISUSE OF OFFICIAL POSITION: DERELICTION OF DUTY.

104. Every public servant who approaches a Judge or a Court in favour of, or to the prejudice of, one of the parties before the Court either by giving an order to the Judge or tribunal or by interceding with the Judge or tribunal by way of request, entreaty or recommendation, shall be punished with imprisonment not exceeding six months, or with fine not exceeding L.1. 50. (094, 95.)

105. If in consequence of an order given by a public servant as mentioned in the last section an unjust decision is given, such public servant shall be punished with imprisonment for a term not exceeding two years or with fine or with both. (096.)

106. Every Judge, who in consequence of any of the abovenamed acts is guilty of a denial of justice or gives a decision which is held to be unjust, shall be punished with imprisonment not exceeding five years. (088.)

107. Every public servant who uses his official position to impede the execution of any act emanating from the Government or of any law or regulation which is in force, or the collection of any legal due, or the execution of any judgment or order of a Court or of any legal process or of any other order emanating from a competent authority, shall be punished with imprisonment not exceeding three years. (099.)

108. Every person, whether a public servant or not, who fraudulently prejudices the freedom or the genuineness of any auction or sale by tender, in which the Government has an interest, shall be punished with imprisonment not exceeding two years or with fine or with both. Such person shall also be ordered to pay to the public treasury the amount of the loss which has been occasioned to the State by his offence. (088.)

109. Every public official or employee, who violates the duties of his office or refuses to carry out an act in the exercise of his functions, with the object of injuring the interest of any person, or of favouring any person at the expense of another or at the expense of the public service, shall be punished with imprisonment not exceeding two years or with fine or with both. (0102.)
Wilful omission to perform duty when omission is dangerous.

Public servant engaging in trade.

Suppression, opening, or disclosure of letter or telegram by public official.

Torture by public official.

Infliction of illegal penalty by public servant.

Illegal entry into residence by public servant.

Exercise of undue violence by public servant.

Official wrongly compelling disposal of property.

Wrongful collection of excessive dues by official or farmer.

Wrongful employment of forced labour by public servant.

Forcible requisition of provisions or forage by public servant.

Title IV.—Acts of Opposition.

110. Every public official or employee, who wilfully omits to perform any duty pertaining to his office which he is bound by law to perform, shall, if such omission causes or tends to cause danger to human life, health or safety or causes or tends to cause a riot, be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20. (O102.)

111. Every public servant, who being prohibited as such public servant from engaging in trade, engages in trade, other than in the produce of his own properties, shall be punished with imprisonment for a period not exceeding one year or with fine or with both. (O100.)

112. Every official or servant of the Government or of the Post Office or Telegraph Department, who suppresses or opens any letter or facilitates the suppression or opening any letter entrusted to the post, or suppresses or discloses or facilitates the suppression or disclosure of any telegram entrusted to the Telegraph Department, shall be punished with imprisonment not exceeding three years or with fine or with both. (O129.)

113. Every public official or employee, who subjects, or orders the subjection of, an accused person to torture, shall be punished with penal servitude or imprisonment for a term not exceeding fifteen years.

In the event of the victim succumbing to his injuries the penalty shall be that prescribed for wilful homicide. (O103.)

114. Every public servant and every person entrusted with a public duty who inflicts, or orders the infliction of, a heavier penalty than that imposed in due course of law, or who inflicts, or orders the infliction of, a penalty which has not been so imposed, knowing that the penalty so inflicted or ordered by him is contrary to law, shall be punished with imprisonment not exceeding three years or with fine or with both. (O104.)

115. Every public official or employee and every person entrusted with a public duty, who, in his official capacity, enters the residence of any person against the will of the latter, on occasions other than those on which the law authorizes such entry, or without observing the formalities prescribed by the law, shall be punished with imprisonment not exceeding three years or with fine or with both. (O105.)

116. Every public official or employee who, in executing his functions, uses undue violence against any person in such a manner as to wound his honour or to occasion him bodily harm, shall be punished with imprisonment not exceeding one year or with fine or with both. (O106.)

117. Every public official or employee and every person entrusted with a public duty, who, by a misuse of his official position, causes the owner of any movable or immovable property to sell the same to him against his will, or wrongfully obtains possession of any such property, or compels the owner thereof to sell it to another, shall be punished with imprisonment not exceeding three years or with fine or with both. The judgment shall, in addition, order the offender to restore the property unlawfully taken, or to pay its value if it is no longer in its original form. (O107.)

118. Every public servant at the head of a department, whatever his office, every subordinate official, every representative of any such public servant or subordinate official, every farmer of any Government revenues and every representative of his, in the collection of any fine, impost, tithe, duty or any other tax or due, exacts a larger sum than that which he knows to be due shall be punished as follows:

(i) a public servant at the head of a department or a farmer, with imprisonment not exceeding seven years or with fine or with both,

(ii) a subordinate official or a representative, with imprisonment not exceeding three years or with fine or with both.

The judgment shall, in addition, order restitution of the sums improperly exacted and the payment of a fine equal in amount to the sum to be made good. (O108, 109.)

119. Every public servant, who employs men at forced labour on works other than works of public utility that are determined by law or ordered by the Government, or that are recognized as urgent in the interests of the locality, shall be punished with imprisonment not exceeding three years and with dismissal. The judgment of the Court shall include an order to pay an amount equal to the total wages properly due to the men so unlawfully employed. (O110.)

120. Every public official or employee who, being lodged in a private house or while on a journey, forcibly causes provisions or forage to be supplied to him gratuitously or at an undervalue, shall be punished with imprisonment not exceeding three months or with fine not exceeding L.T. 20 or with both.

The judgment of the Court shall, in addition, order him to pay the price of the articles received to those entitled thereto. (O111.)
TITLE V.—VIOLATION OF OFFICIAL SECRECY.

121. Every public official or employee, who communicates any information which has come to his knowledge by reason of his official position to a person to whom he knows that the information ought not to be communicated, shall be punished with imprisonment not exceeding one year and with fine not exceeding L.T. 100 or with one of these penalties.

If he knows or has reason to know that the communication was contrary to the interest of the Government the imprisonment may be extended to five years.

The provisions of this article shall apply to any person having contractual relations with the Government and to the agents and servants of any such person who by reason of his contract or employment acquires any information in respect of which he is under an obligation of secrecy.

CHAPTER XV.

OFFENCES AGAINST THE PUBLIC AUTHORITY.

TITLE I.—RESISTANCE AND DISOBEDIENCE TOWARDS THE PUBLIC AUTHORITY.

122. An indignity offered by means of gestures, words or acts to a public servant, representative or public authority or any other person entrusted with a public duty, whilst engaged in the performance of his duties, shall be punished with imprisonment not exceeding six months or with fine or with both. When such indignity is offered to any judicial or administrative court or to any council or to any member of such court or council at a sitting thereof, the offender shall be punished with imprisonment not exceeding one year or with fine or with both. (0112.)

123. Attacks made upon, or violent or forcible resistance offered to, a public servant or a representative of public authority or any other person entrusted with public duty while engaged in the performance of his duties, shall be punished with imprisonment not exceeding two years or with a fine or with both. (0114.)

124. If the attack or resistance is accompanied by blows or causes a wound, the penalty shall be imprisonment not exceeding three years or fine or both imprisonment and fine or such higher penalty as may be applicable under Chapter XXII. (0115.)

125. Persons who wilfully obstruct any public servant in the discharge of his public functions shall be punished as follows:—

(i) If the offence is committed by twenty or more persons any of whom is openly armed, the penalty shall be imprisonment not exceeding three years;

(ii) if none of such persons is openly armed, the penalty shall be imprisonment not exceeding six months;

(iii) if the offence is committed by one or two persons either of whom is openly armed, the penalty shall be imprisonment not exceeding six months;

(iv) if neither of such persons is armed, the penalty shall be imprisonment not exceeding three months. (0116 Add.)

126. Whoever, after his attention has been called to the penalties specified in this article, disobeys the orders of a public authority or public official acting within the limits of his powers,

Shall if such disobedience causes or tends to cause obstruction, injury, or annoyance or risk of obstruction, injury or annoyance to any person lawfully employed be punished with imprisonment not exceeding one month or with fine not exceeding L.T. 5, or with both:

And, if such disobedience causes or tends to cause danger to human life, health or safety or tends to cause a riot, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20, or with both.

127. Every person, who being legally bound to attend in person or by 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 and time, or who departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with imprisonment not exceeding one month or with fine not exceeding L.T. 10, or with both; and if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice such person shall be punished with imprisonment for a period which may extend to six months or with fine or with both. (0116.)
Refusal to take oath, answer question or produce document. 128. Whoever,
(a) refuses to bind himself by an oath or affirmation to state the truth when required so to do by a public official legally competent to require that he shall so bind himself,
(b) being legally bound to state the truth on any subject to any public official, refuses to answer any question demanded of him by such public servant in exercise of the legal powers of such public servant,
(c) being required to produce a document or thing by a public official acting within his legal powers, refuses without reasonable cause to produce such document or thing, shall be punished with imprisonment not exceeding six months, or with fine not exceeding L.T. 20, or with both.

Wilful destruction of notice posted by Court. 129. Whoever wilfully pulls down, tears or renders illegible any notice posted up by order of a public authority or of a Court shall be punished with imprisonment not exceeding three months or with fine not exceeding L.T. 10, or with both. (0260.)

Omission to assist public servant. 130. Whoever being bound by law to render or furnish assistance to any public servant in the execution of his public duty intentionally omits to give such assistance, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20. (0256.)

TITLE II.—ESCAPE OF PRISONERS; HARBOURING OF OFFENDERS.

131. Whoever escapes from lawful custody shall be punished with imprisonment not exceeding six months or with fine.
If the offender was in custody under a warrant of arrest or had been sentenced to imprisonment or any severer penalty, the penalty shall be imprisonment not exceeding two years or imprisonment not exceeding one-half of the original term of the sentence which he is undergoing at the time of his sentence, whichever is the greater, or fine.
If in either case the escape is accompanied by acts of violence or by any other offence he shall be liable, in addition, to punishment for such other offence. (08.)

132. Every person entrusted with the safeguarding, conducting or removal of a prisoner, who negligently allows such prisoner to escape, shall, if the prisoner had been sentenced to a criminal penalty or was accused of a crime, be punished with imprisonment not exceeding two years or with fine or with both. In every other case such person shall be punished with imprisonment not exceeding six months or with fine or with both. (0117.)

133. Every person, entrusted with the safeguarding, conducting or removal of a prisoner, who aids or facilitates the escape of such prisoner or connives thereat, shall be punished in accordance with the following provisions:
(i) if the prisoner had been sentenced to death, the penalty shall be penal servitude or imprisonment for a term not exceeding fifteen years;
(ii) if he has been sentenced to penal servitude for life or for a term, or if he was accused of an offence punishable with death, the penalty shall be penal servitude or imprisonment for a term not exceeding ten years;
(iii) in every other case the penalty shall be imprisonment not exceeding three years or fine. (0117.)

134. Every public official or public servant charged with the duty of arresting any person, who, with intent to aid such person in escaping from justice, neglects to take the proper steps with a view to his arrest, shall be liable to the penalties provided in the preceding section, in accordance with the scale therein laid down.

135. Whoever wilfully offers any resistance or illegal obstruction to the lawful apprehension of any other person, or procures, aids or facilitates his escape from lawful custody or confinement, shall be punished according to the following provisions:
(i) if such other person is under sentence of death, the penalty shall be penal servitude or imprisonment for a term not exceeding seven years;
(ii) if he has been sentenced to penal servitude for life or for a term or is charged with or liable to be apprehended for an offence punishable with death, the penalty shall be imprisonment not exceeding five years;
(iii) in every other case the penalty shall be imprisonment not exceeding two years or fine. (0118.)

136. Whoever supplies a prisoner with arms with a view to aiding him in escaping, shall be punished with penal servitude for a period not exceeding seven years.
137. Whoever harbours or procures the harbouring of a person who has escaped from lawful custody or against whom a warrant has been issued, or who is charged with, or whom he knows to have committed an offence, shall be punished with the penalties specified in Section 135 in accordance with the distinctions set out therein.

This section does not apply to the ascendants or descendants or spouses or brother or sister of the person harboured. (0121.)

TITLE III.—BREAKING OF SEALS AND ABSTRACTION OF DOCUMENTS.

138. (i) When a seal is broken, which, under an order of a public authority or by an order of a Court of Justice in any matter, has been affixed for the purpose of preserving intact any place, papers or movables, the person, if any, entrusted with the custody of such seal shall be punished for his negligence with fine not exceeding L.T. 50.

(ii) When the property placed under seal consists of papers or movables belonging to a person who is accused or who has been sentenced for a crime, any person entrusted with the custody of such seal, to whose negligence the breaking of such seal has been wholly or partly due, shall be punished with imprisonment not exceeding one year or with fine not exceeding L.T. 50. (0122.)

139. (i) Whoever breaks any seal placed upon any papers or movables when of the class described in sub-section (ii) of the last section, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 100, or with both imprisonment and fine; if the offender was himself entrusted with the custody of such seal, he shall be punished with imprisonment not exceeding five years. (0123.)

(ii) When a seal affixed for any other purpose is broken, the offender shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20 or with both; or, if the offender is the person entrusted with the custody of such seal, he shall be punished with imprisonment not exceeding one year. (0124.)

140. When any public paper, deed, record or register, or any document forming part of any judicial proceedings which has been deposited in public custody or committed to the care of any person whose duty it is to preserve the same, is removed, abstracted or destroyed, the custodian, to whose negligence such removal, abstraction or destruction is wholly or partly due, shall be punished with imprisonment not exceeding three months or with fine not exceeding L.T. 30, or with both. (0126.)

141. Whoever is guilty of such wrongful removal, abstraction or destruction as is mentioned in the preceding section, shall be punished with imprisonment not exceeding seven years or with fine or with both imprisonment and fine. If the offence is committed by the custodian himself, he shall be punished with imprisonment not exceeding seven years. (0127.)

142. When the breaking of seals or the removal, abstraction or destruction of documents is accompanied by the use of violence towards the custodian, the offender shall be punished with penal servitude for a term not exceeding fifteen years. (0128.)

TITLE IV.—UNLAWFUL ASSUMPTION OF BANK OR OFFICE.

143. Whoever, without warrant or authority from the Government, assumes the functions pertaining to any public office, whether civil or military, or exercises any power belonging to any such office, shall be punished with imprisonment not exceeding three years or with fine or with both imprisonment and fine. (0130.)

144. Every person, who publicly wears a uniform or decoration to which he is not entitled, to an official dress appropriated to a rank superior to his own, shall be punished with imprisonment not exceeding one year or with fine or with both. (0131.)

CHAPTER XVI.
FALSE EVIDENCE AND FALSE INFORMATION.

Title I.

145. (i) Whoever is guilty of giving false evidence in a case of crime, either against or on behalf of the accused, shall be punished with imprisonment not exceeding seven years.

(ii) Moreover, when an accused person has been convicted by reason of such false evidence, the untruthful witness who has given such false evidence against him shall be punished with penal servitude or imprisonment for a term not exceeding fifteen years.

If the sentence was one of death and it has been carried out, the untruthful witness shall be punished with death. (0207.)
False evidence in cases of misdemeanor and contravention.

146. Whoever is guilty of giving false evidence in a case of misdemeanor or contravention, either against or on behalf of the accused, shall be punished with imprisonment not exceeding five years or with fine or with both. (O208.)

147. Whoever is guilty of giving false evidence in a civil case, shall be punished with imprisonment not exceeding five years or with fine or with both. (O209.)

False evidence in civil suit.

148. Every person, guilty of giving false evidence either in a penal or a civil case, who has accepted a gift or a promise, and likewise every person who has made such gift or gifts, shall be punished with the penalties prescribed for corruption or with the penalties for giving false evidence, if the latter are heavier.

Offering inducement to give false evidence.

149. Every person who willfully induces a witness either to refrain from giving evidence, or to give false evidence, shall be liable to the same penalties as persons giving false evidence, regard being had to the distinctions laid down in the preceding sections. (O211.)

False information 150. Every person, to whom the oath has been tendered or tendered back in a civil suit, who forswears himself, shall be punished with imprisonment not exceeding five years or with fine or with both. (O212.)

A civil suit.

151. Every person, being a party to a civil suit, who knowingly makes to the Court a false statement relevant to the subject matter of the suit, shall be punished as if he had given false evidence.

Making false translation or copy.

152. Whoever knowingly makes a false translation of the evidence of a witness or of any document which may be used as evidence, or a false copy of any such document, with intention that such translation or copy shall be used in any manner in any judicial proceeding, or knowing that it is likely so to be used, shall be punished as if he had given false evidence.

Giving false certificate.

153. Whoever, in view of a judicial proceeding, issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate may form a proof, knowing that such certificate is false in any material part, or being indifferent to its truth or falseness, shall be punished as if he had given false evidence.

Fabricating of evidence.

154. Whoever, in the course of a judicial proceeding or in view thereof, causes any circumstance to exist, or makes any false entry in any book or record, or in any other thing whatsoever which may be used as evidence, intending that such circumstance, false entry, false document or other thing falsified may appear in evidence and may cause an erroneous opinion to be formed touching any point material to the result of such proceedings, shall be punished as if he had given false evidence.

Using of false evidence.

155. Whoever uses, as a means of a proof in a judicial proceeding, any false evidence, declaration, translation, copy, certificate, document or other thing which he knows to be false or to have been falsified, shall be punished as if he had given false evidence.

TITLE II.—FALSE INFORMATION. WITHHOLDING INFORMATION.

False information of commission of offence.

156. Whoever gives to any judicial or administrative Authority information of the commission of an offence which he knows not to have been committed shall be punished with imprisonment not exceeding six months or with fine.

False information charging a person with having committed an offence.

157. Whoever, knowing his statement to be false, gives to any judicial or administrative Authority information charging a person with having committed an offence, or in bad faith institutes, or causes to be instituted, any criminal proceedings against an innocent person, shall be punished with imprisonment not exceeding three years or with fine not exceeding L.T. 100, or with both. (O213 Add.)

False information relating to offence.

158. Whoever, knowing that an offence has been committed, gives to the Authorities any information respecting the offence which he knows to be false, or willfully destroys or alters the traces of the offence, or any fact which might lead to the detection of the guilty person, shall be punished with imprisonment not exceeding two years or with fine or with both.

False information to public servant.

159. 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 to be false, and

Whoever gives to any public servant as such any information, which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause such public servant to do or omit to do anything which such public servant ought not to do or omit to do if the true state of facts were known to him.

Shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20 or with both. (O156.)
160. Whoever, being legally bound to give any notice or to furnish any information to any public servant as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law shall be punished with imprisonment not exceeding six months or with fine or with both.

CHAPTER XVII.
Counterfeiting and Falsification in Public Matters.

TITLE I.—FALSE COIN.

161. Every person shall be punished with penal servitude not exceeding 15 years (a) who counterfeits any gold or silver coin, or (b) who lessens the intrinsic value of such coin by the extraction of a part of the gold or silver therein contained by means of a file or punch or by the use of aqua fortis or by any other method, or (c) who imparts to a coin a colour calculated to make it pass for a coin of higher value, or (d) who participates in the uttering or introduction of such counterfeit or debased coin, or makes an occupation of putting such coin into circulation. (0143.)

162. When any of the offences mentioned in the preceding section is committed in respect of coin other than that mentioned in the said section, the penalty shall be penal servitude or imprisonment for a period not exceeding ten years. (0144, 145.)

163. The participation referred to in the preceding sections shall not extend to the case of a person who, having taken counterfeit or debased coins as good, puts them into circulation: provided that anyone who makes use of such coins, after discovery of their defects, shall be punished with imprisonment not exceeding three months or with fine not exceeding six times the sum repre­ented by the coins which he has put into circulation, provided that such fine shall not be less than L.T. 1, or with both. (0146.)

164. Every person who makes, or has in his possession, any mould, die, punch or other instrument or material for the purpose of counterfeiting or falsifying coin, knowing the use for which it is intended, shall be punished with penal servitude or imprisonment for a term not exceeding five years.

TITLE II.—PUBLIC DOCUMENT: NOTES: STAMPS: SEALS.

165. (i) Every person who counterfeits or falsifies, or procures the counterfeiting or falsification of,

(a) any proclamation, decree or order promulgated by the Government,
or

(b) any seal, stamp or mark of a Public Office or Public Authority, or

(c) the seal, signature or initials of any Government official, or

(d) any Government bonds, obligations, treasury bills or notes, pay­warrants or papers of any other kind issued by the Government Treasury or by any Public Treasury, or

any banknote authorized to be in circulation, and

(ii) every person who knowingly makes use of any such thing when counterfeited or falsified, or introduces the same into the country,

shall be punished by penal servitude or imprisonment not exceeding fifteen years. (0148.)

166. Whoever, having obtained possession of any genuine seal or stamp of the State or of a Public Department or Authority, wilfully makes use thereof, to the prejudice of the interests of the State or Country or of any individual, shall be punished with penal servitude or imprisonment not exceeding seven years. (0149.)

167. (i) Every person who counterfeits any revenue stamp of the Government, or any postage stamp of any country belonging to the Postal Union shall be punished with penal servitude or imprisonment for a term not exceeding ten years.

(ii) Every person who, with intent to defraud, falsifies any revenue or postage stamp specified in the preceding sub-section with a view to its being used for a higher value than that which it represents, or gives it the appearance of a stamp which may still be used when it has already been used, shall be punished with imprisonment for a term not exceeding five years or with fine or with both.

(iii) Every person who knowingly makes use of, or introduces into the Country, any such counterfeited or falsified revenue or postage stamp shall be punished with imprisonment for a term not exceeding three years or with fine or with both. (0149.)
Possessing instruments for countersigning stamps and bills.

168. Whoever makes, or has in his possession, any die, punch, plate, block or other instrument for the purpose of countersigning or falsifying any bill, note, seal, stamp or other things specified in section 166 or section 167, knowing the use for which it is intended, shall be punished with penal servitude or imprisonment for a term not exceeding five years.

Manufacture of or dealing in prints or designs resembling stamps or notes.

169. Whoever manufactures, distributes, offers or keeps for sale, (a) any print or design, by whatever process the same is produced, which in its outward appearance presents such a resemblance to any mark or stamp of the Government Postal or Telegraph Service, or of the Postal or Telegraph Service of any Country belonging to the Postal Union as to render such a print or design liable to be accepted in place of the stamp which has been thus imitated, or (b) any print or token, by whatever process the same is produced, which presents such a resemblance to any note issued by the Government or by any foreign Government, or any banknote or coin legally current in Mesopotamia or in any foreign Country as to render such print or token liable to be accepted in place of the note, banknote or coin which has been thus imitated, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 50.

Falsification of document by public official.

170. Every public official who in his official capacity draws up any document in a manner which he knows to be incorrect, or wilfully omits any material particular from such document, or wilfully falsifies the substance or circumstances thereof in any particular which it is the object of such document to record, either by stating or attesting what is not true, or by altering the statements of the parties concerned, shall be punished with imprisonment not exceeding seven years or with fine or with both. The penalty shall be penal servitude or imprisonment not exceeding fifteen years and fine or one of these penalties. (0152, 153.)

Causing public servant to record or attest false statement in document.

171. Every person who, by personation, false statement or otherwise, wilfully causes a public servant in drawing up a document in his official capacity to record or attest any fact which is untrue, in respect of any matter the truth of which it is the object of such document to establish, shall be punished with penal servitude or imprisonment for a term not exceeding ten years or with fine or with both.

The penalties shall be penal servitude or imprisonment not exceeding ten years or fine or both penal servitude or imprisonment and fine in the case of a document constituting an obligation, disposition of property or release or a document which may serve to establish rights of property.

Forgery of document emanating from public official.

172. Whoever forges any document, emanating or purporting to emanate from any public official acting in his official capacity, shall be punished with imprisonment not exceeding five years or with fine or with both imprisonment and fine. If the document is of the kind mentioned in the second paragraph of the preceding article the penalty shall be penal servitude or imprisonment not exceeding fifteen years and fine or one of these penalties. (0152.)

173. Whoever makes use of any document mentioned in the three preceding sections knowing the same to have been falsely drawn up or forged shall be punished with imprisonment not exceeding five years or with fine or with both imprisonment and fine.

If the document is of the kind mentioned in the second paragraph of section 168 the penalty shall be that of penal servitude or imprisonment for a period not exceeding ten years and fine or one of these penalties. (0154.)

Title III.—Passports and Certificates.

174. Whoever adopts an assumed name in a travelling pass, travelling permit or passport, or, with knowledge of the facts, vouches for the identity of another in order to procure the granting to him of any such document in an assumed name, or knowingly allows any travelling pass, travelling permit or passport, issued to him, to be used by another under the representation that he is the person named in the same or himself uses any such document which has been issued to another, shall be punished with imprisonment not exceeding two years or with fine not exceeding L.T. 20. (0154.)

175. Whoever forges a travelling pass, or travelling permit or passport, or falsifies any genuine document of that description, or knowingly makes use of any forged or falsified document of that description, shall be punished with imprisonment not exceeding three years or with fine not exceeding L.T. 20. (0157.)

176. Whoever, being required by law to keep special registers subject to the inspection of the public authorities, makes an entry therein which he knows to be false, shall be punished with imprisonment not exceeding three months or with fine not exceeding L.T. 10. (0158.)
177. Every physician or surgeon who gives a certificate of death or other medical certificate, knowing or having reason to believe the same to be untrue in any particular, and that such certificate is intended to be produced before a public authority or may cause pecuniary loss, shall be punished with imprisonment not exceeding two years or with fine or with both imprisonment and fine.

If he has received or agreed to accept extraordinary remuneration for giving such certificate the period of imprisonment may be extended to five years. (O161.)

178. Every person who, with intent to escape from any public duty, or Forging of certificate to obtain for another exemption therefrom, forges, or causes to be forged, in the name of a physician or surgeon, a false certificate of infirmity, shall be punished with imprisonment not exceeding three years or with fine, or with both imprisonment and fine. (O160.)

CHAPTER XVIII.

OFFENCES RELATING TO TELEGRAPHS AND TELEPHONES AND MEANS OF COMMUNICATION.

179. Whoever through negligence or carelessness interrupts, hampers or injuriously affects the telegraphic or telephonic service, shall be punished with a fine: and if malice is proved, the penalty shall be imprisonment not exceeding two years or fine or both imprisonment and fine. In either case the offender shall be ordered to make good the damage done. (O134.)

180. Whoever wilfully interrupts, hampers or injuriously affects telegraphic or telephonic communications or forcibly resists the restoration of telegraphic or telephonic communication shall be punished with imprisonment not exceeding three years or with fine or with both. In addition he shall be liable to be ordered to make good the damage done. (O136.)

If the injury is caused by use of an explosive or if the offence takes place in a time of disturbance or sedition or war, the penalty shall be penal servitude or imprisonment for a term not exceeding fifteen years and with fine or one of these penalties. In addition the offender shall be liable to be ordered to make good the damage done. (O136.)

181. Whoever wilfully causes a risk of derailment or collision to a locomotive or a railway train, or a tram-car, whether by removing a sleeper, bolt, or other object belonging to a railway or tramway, or by moving the points or other mechanism, or by altering or interfering with the working of any signal or light or by making a false signal, or by placing any obstruction on the rails, or by any other similar means, shall be punished with penal servitude for a term not exceeding ten years.

If such act causes bodily injury to any person, the penalty shall be penal servitude for a term or imprisonment. If such act causes the death of any person, the penalty shall be death.

182. Whoever unlawfully impedes the passage of a locomotive or railway train, without intending to endanger its safety, shall be punished with imprisonment not exceeding two years or with fine or with both.

183. Whoever wilfully throws so as to fall upon any locomotive or railway train any stone or other thing, in such a manner as to endanger the safety of any person, shall be punished with imprisonment not exceeding three years or with fine not exceeding L.T. 50.

If such act causes bodily injury to any person travelling in such locomotive or train, the penalty shall be imprisonment not exceeding five years. If such act causes the death of any person the penalty shall be penal servitude or imprisonment for a term not exceeding fifteen years.

184. Whoever, by an illegal act, breach of duty, non-compliance with the regulations, negligence, or want of skill, causes an accident to a locomotive, railway train, tram-car, vessel, or aircraft, of such a nature as to imperil the life of any person travelling therein, shall be punished with imprisonment not exceeding three years or with fine or with both.

185. Whoever, by extinguishing any light placed for purposes of navigation, or by removing or displacing any beacon, mark or buoy, or by showing false lights or by any other means, wilfully endangers the safety of navigation shall be punished with penal servitude for life or for a term or with imprisonment.

If it causes the death of any person the penalty shall be death.

186. Whoever wilfully destroys or damages in any way whatsoever, any public road, bridge, railway, navigable river or channel, dyke or other means of communication, or does any act which renders any such means of communication impassable or less safe for travelling, shall be punished with imprisonment not exceeding five years or with fine or with both.

Endangering navigation by tampering with light, beacon or mark.

Cauing accident to locomotive when dangerous to life.

Negligent or malicious injury to telegraphic or telephonic service.

Wilful interference with telegraphic or telephonic communication.

Throwing missile at locomotive.

Medical man furnishing false certificate.

Wilful damage to means of communication.
If the damage is caused by the use of an explosive, the penalty shall be penal servitude or imprisonment for a term not exceeding fifteen years. (O249.)

187. Whoever by doing any act, or by omitting to take proper precautions with any property in his possession or under his charge, causes obstruction to any person in any public way or public line of navigation shall be punished with fine not exceeding L.T. 5.

CHAPTER XIX.

OFFENCES RELATING TO PUBLIC HEALTH, SAFETY AND CONVENIENCE, MORALS AND DECENCY.

TITLE I.—PUBLIC HEALTH.

188. Whoever opens, or keeps open, a druggist shop without a license shall be liable to a fine not exceeding L.T. 50; and the shop shall be closed. (O195.)

189. Whoever sells, or keeps for sale, any poisonous substances, otherwise than in accordance with the regulations for the time being in force, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20. (O196.)

190. Every person shall be punished with imprisonment not exceeding two years or with fine not exceeding L.T. 100, or with both such penalties.

(a) who, by means of ingredients injurious to health, adulterates any article of food or drink or any medical preparation when the same is intended for sale; or

(b) who retails, sells, or keeps for sale, any article of food or drink or medical preparation, which is, to his knowledge, adulterated by means of ingredients injurious to health, even if the injurious adulteration is known to the purchaser or consumer. (O196.)

191. Whoever adulterates any article of food or drink or any medical preparation, either by addition of any substance or by removal of some essential element, or sells or offers the same for sale, and, knowing the same to be adulterated, does not reveal the fact, shall be punished with imprisonment not exceeding six months, or with fine not exceeding L.T. 50, or with both.

192. Whoever by neglect of proper precautions, or by breach of regulations or through want of skill, negligently causes adulteration in any article of food or drink or any medical preparation so as to be injurious to health shall be punishable with imprisonment not exceeding three months or with fine not exceeding L.T. 25, or with both; and if such adulteration is not injurious to health but is punishable with imprisonment not exceeding one month or with fine not exceeding L.T. 5, or with both.

193. Whoever sells, or offers or exposes for sale, as food or drink any article which has been rendered or has become noxious, or in a state unfit for food or drink, knowing or having reason to believe that the same is noxious or in a state unfit for food or drink, shall be punished with imprisonment not exceeding six months or with a fine not exceeding L.T. 20, or with both imprisonment and fine. (O257.)

194. Whoever 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 human life, shall be punished with imprisonment not exceeding six months or with fine or with both.

195. Whoever contravenes the regulations or measures taken by the authorities and, for the time being in force for the isolation of persons suffering from cholera and other infectious diseases, and of the houses or places where such diseases have occurred, shall be punished with imprisonment not exceeding one year or with fine. (O99 Add.)

TITLE II.—PUBLIC SAFETY AND CONVENIENCE.

196. Whoever wilfully does any act which causes, or which he knows is likely to cause, inundation or obstruction to any public drainage attended with injury or damage shall be punished with imprisonment not exceeding five years or with fine or with both.

If an inundation has been caused of such a nature as to endanger human life the penalty shall be penal servitude for life or penal servitude or imprisonment for a term not exceeding fifteen years.

197. Whoever, with intent to cause or knowing that he is likely to cause wrongful loss or damage to the public or to any person, destroys or damages or interferes with any work or contrivance for the supply or control of water, so as thereby to cause or to be likely to cause a diminution of the supply of water used for purposes of agriculture, or of drink for human beings or for animals (being property), or of cleanliness, or for carrying on any manufacture, shall be punished with imprisonment not exceeding five years or with fine or with both.
198. Whoever voluntarily corrupts or fouls the water of any public well, spring, reservoir or other water-supply, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment for a period which may extend to six months or with fine which may extend to L.T. 10, or with both.

199. Whoever does any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person or property, or knowingly or negligently omits to take proper and sufficient precautions with any operations under his control to guard against probable danger to human life from such operations, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 20, or with both.

200. Whoever wilfully excites any animal to attack any person, or knowingly omits to take such care with any animal, being in his possession or in his charge, as is sufficient to guard against any probable danger of serious bodily injury from such animal, shall be punished not exceeding three months or with fine not exceeding L.T. 20. (0236.)

TITLE III.—PUBLIC MORALS AND DECENCY.

201. (1) Every person who keeps a house for the playing of games of chance and admits the public thereto, and every person who keeps the "bank" in such house, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 50, or with both.

(2) Whoever is found in any such house or place when gambling is going on and whoever gambles in any public place shall be punished with imprisonment which may extend to one month or with fine not exceeding L.T. 50, or with both.

(3) Moreover all the money and instruments of gambling found in the place where gambling is carried on shall be confiscated to the State.

Sub-section (2) was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

202. Every person who institues a lottery, without authorization, shall be punished by the like penalties, and all the moneys or funds and property to be drawn for by the lottery shall be confiscated to the State. (0243.)

203. Whoever sings, utters or reproduces by mechanical means any obscene song or words or does or makes any obscene or indecent act or gestures at a public gathering, or in any place to which the public has access, or in such a way that they may be seen or heard by persons in any public place, shall be punished with imprisonment not exceeding six months or with fine not exceeding L.T. 50, or with both.

204. Whoever distributes in a public place or at a public gathering or indiscriminately to a number of persons, or exhibits to the public view, or sells or offers for sale in any place any obscene or indecent drawing, picture or figure or book or other matter, written, printed, or otherwise reproduced, shall be punished with imprisonment not exceeding one year or with fine not exceeding L.T. 100, or with both.

205. Whoever does any obscene or indecent act in a public place and in the public view shall be punished with imprisonment not exceeding one year or with fine not exceeding L.T. 100, or with both.

206. (1) Whoever in a state of intoxication appears in a public place, or in a place where it is a trespass for him to enter, and there causes a disturbance or is incapable, shall be punished for a first offence with a fine not exceeding L.T. 2, for a second offence with a fine not exceeding L.T. 10 or imprisonment not exceeding one month, and for a third offence with a fine not exceeding L.T. 25 or with imprisonment not exceeding one month.

If the accused has been convicted three times and is a habitual drunkard the Court shall order his detention in a hospital or reformatory for a period of six months, and he shall be liable to pay the costs of his detention and treatment: provided that if the Court is satisfied by medical evidence that he has been cured before the expiration of six months it shall order his release.

(ii) Whoever causes a person under the age of eighteen years to become drunk, or supplies him with intoxicating drink except for medical purposes, shall be punished with a fine not exceeding L.T. 1, and if he deceives the young person as to the nature of the drink by fine not exceeding L.T. 10.

If the owner of a drinking shop, or employee in such a shop, supplies a person under the age of eighteen years with intoxicating drink he shall be punished with imprisonment L.T. 20 and with imprisonment not exceeding six months. If convicted of a second offence within one year, the Court may order his shop to be closed either temporarily or permanently.

If the owner of a drinking shop, or an employee in such a shop, supplies intoxicating drink to an intoxicated person, he shall be punished for a first offence with a fine not exceeding L.T. 5, and for a second offence with a fine not exceeding L.T. 10; and the Court may order his shop to be closed either temporarily or permanently.
If the owner of a drinking shop or an employee in such a shop turns a customer who is intoxicated and incapable out into the street, he shall be punished with imprisonment not exceeding one month. "L.T. 2" was substituted for "L.T. 1." "L.T. 10 or imprisonment for one month" for "L.T. 5" by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920.

CHAPTER XX.

CRUELTY TO ANIMALS.

Beating or torturing animals

207. Whoever cruelly beats, mutilates, tortures or otherwise wilfully ill-treats any tame or domestic animal or any wild animal which has previously been deprived of its liberty, or unnecessarily uses cruel methods to put any such animal to death, shall be punished with imprisonment not exceeding two months or with fine not exceeding L.T. 20.

Misuse of animal unfit for work

208. Whoever overrides, overdrives or overloads any animal used for riding, driving or burden, or employs any such animal being, by reason of sickness, wounds or infirmities, not in a fit state to work, shall be punished with imprisonment not exceeding one month or with fine not exceeding L.T. 10.

Power of authorities to treat animal Liability of offender to pay costs

209. Any animal, in respect of which an offence is committed under one of the last two sections, may be seized and detained by the authorities for veterinary treatment, and may be destroyed by order of a veterinary officer, and any person who has been guilty of an offence under either of the last two sections in respect of such animal, and the owner thereof shall be liable to pay the costs of such treatment; and in default of payment the animal may be sold by order of a Magistrate.

CHAPTER XXI.

OFFENCES RELATING TO RELIGION.

Public indignity to religious creed

210. Whoever by any means of publicity mentioned in Section 78, offers an indignity to any publicly professed religious creed shall be punished with imprisonment not exceeding two years or with fine.

Insults or obstructions to religion

211. (t) Whoever obstructs, or causes disturbance to, any persons lawfully engaged in the performance of religious worship or religious ceremonies, or interferes with the same by force or threats:

(ii) Whoever destroys, mutilates, damages or desecrates any buildings dedicated in the rites of any religious creed or any emblem or other object held in veneration by the adherents of a creed or by part of the population:

(iii) Whoever violates or desecrates any tomb or cemetery, or disturbs a funeral, or offers an indignity to any human corpse, shall be punished with imprisonment not exceeding one year or with fine or with both. (O132, 133.)
PART III.
Offences against Persons and Property.

CHAPTER XXII.
OFFENCES AFFECTING HUMAN LIFE AND THE BODY.

TITLE I.—HOMICIDE.

212. Wilful homicide shall be punished with penal servitude for life or Wilful homicide for a term or with imprisonment. (0174.)

213. Wilful homicide committed with premeditation shall be punished with death.

There may be premeditation, whether the intention to commit the offence is directed against a particular individual, or against any person who may be found or encountered, and even though such intention be dependent on some circumstance or subject to some condition. (0169, 170.)

214. Wilful homicide shall be punished with death.

(i) if the death is caused by means of poison;
(ii) if the homicide, by the atrocity or wanton barbarity of its circumstances, reveals a cruelty of disposition or indifference to the life of others such as to constitute the author of the homicide a danger to society; (0174 Add.)
(iii) if the homicide has been accompanied by another wilful homicide or attempted homicide;
(iv) if the homicide is committed in order to prepare, facilitate or accomplish an offence punishable with imprisonment for a year at least or with any more severe penalty, even if such offence is not committed or attempted; (0174 Add.)
(v) if the homicide is committed in order to assist the escape or immunity from punishment of any person concerned, whether as principal or accessory, in the commission of an offence punishable with imprisonment for a year at least or with any more severe penalty; (0174 Add.)
(vi) if the homicide is committed on the person of a public official while he is engaged in the performance of his duties, or by reason of his duties; (0174 Add.)
(vii) if the killed person is an ascendant of the killer. (0170 Add.)

215. The penalty for wilful homicide committed or even attempted by a convict under sentence of penal servitude for life, shall be death.

216. If a man, having found his wife, or one of his female relations in bed with her paramour, forthwith kills her he shall be punished with imprisonment not exceeding three years. (0188.)

217. Whoever, without intending to cause death but with the intention of causing bodily harm, inflicts a wound, deals a blow, administers a harmful substance or does to a person any illegal act and thereby causes death, shall be punished with penal servitude or with imprisonment for a term not exceeding fifteen years.

If the offence is committed with premeditation or in any of the circumstances specified in the last three paragraphs of Section 214 the penalty may be increased to penal servitude for life. (0174.)

218. Whoever, by any act or omission which constitutes an offence punishable with imprisonment for six months or any severer penalty, or by any act done in the course of committing such an offence, unintentionally causes the death of a person shall be punished with penal servitude or imprisonment for a term not exceeding ten years. (0177 Add.)

219. Unintentional homicide, caused by any illegal act or omission or by want of skill, negligence or non-compliance with regulations, shall be punished with imprisonment not exceeding three years or with fine or with both. (0183.)

220. Whoever conceals the corpse of any person who has died a violent death, or buries it without notice to the proper Authorities, shall be punished with imprisonment not exceeding two years or with fine or with both. (0176.)
220A. Whoever instigates or assists a person to commit suicide shall be punishable if the suicide is committed, with penal servitude or imprisonment for a period not exceeding seven years.

Section 220A was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920.

**Title II.—Bodily Injury.**

221. Whoever wilfully inflicts a wound, deals a blow, administers a harmful substance or, with intent to cause bodily harm, does to any person any other illegal act and thereby causes:

(a) Amputation or permanent loss of use of a hand or foot, or
(b) Permanent loss of the sight of an eye, the hearing of an ear, or the power of speech, or
(c) Emasculature, or
(d) Permanent insanity or mental infirmity, or
(e) Permanent and serious disfiguration, or
(f) Imminent danger to life,

shall be punished with penal servitude or imprisonment for a term not exceeding seven years.

If the offender intended to cause any of the consequences mentioned in paragraphs (a) to (e) the penalty shall be penal servitude or imprisonment for a term not exceeding fifteen years. (0177.)

222. Whoever wilfully causes to any person bodily injury, or an illness,

(a) by means of any poison, or any explosive, corrosive, burning or scalding substances, or
(b) by means of any firearm, or any weapon the primary purpose of which is that of offence, or
(c) by means of any other instrument likely to cause death, if it shall be proved to have been carried for offence on the occasion in question,

shall be punished with penal servitude or imprisonment for a term not exceeding ten years.

223. Whoever wilfully inflicts a wound, deals a blow, administers a harmful substance, or, with intent to cause bodily harm, does to a person any illegal act, and thereby causes fracture of a bone or renders the sufferer unable to follow his ordinary pursuits for a period of twenty days, shall be punished with imprisonment not exceeding three years or with fine or with both. (0178.)

224. The same penalties shall apply when a bodily injury or an illness has been wilfully caused:

(a) by means of a stick or other instruments—used by any member of a band or gathering of three or more persons acting in concert, or
(b) by means of a knife or a club or any other instrument likely to cause death.

225. Whoever, in circumstances other than those specified in the four preceding sections, wilfully causes to any person a bodily injury or any illness, shall be punished with imprisonment not exceeding one year or with fine or with both. (0179.)

226. If any of the offences mentioned in sections 223, 224, or 225 is committed with premeditation or in any of the circumstances specified in the last three paragraphs of section 214, the penalty in the case of an offence falling under sections 223 or 224 shall be penal servitude or imprisonment for a period not exceeding five years, or fine or both imprisonment and fine, and in the case of an offence falling under section 225 shall be imprisonment not exceeding three years or fine or both imprisonment and fine. (0179.)

227. Whoever is guilty of assault or of the use of force or slight violence shall be punished with imprisonment not exceeding one month or with fine not exceeding L.T. 5.

228. Whoever by any illegal act or omission, or by want of skill, negligence, or non-compliance with regulations, causes any bodily injury or illness, shall be punished with imprisonment not exceeding six months or with fine or with both.

If the injury is of the gravity indicated in section 221 the period of imprisonment may be increased to one year. (0183.)

**Title III.—Abortion.**

229. Every woman who miscarries by employing, or allowing the employment of, means capable of causing miscarriage shall be punished with imprisonment not exceeding three years. (0182 Add.)
230. Whoever procures the miscarriage of a woman with child with her consent, shall be punished with imprisonment not exceeding three years.

If in consequence of such miscarriage or of the means used to cause such miscarriage the woman dies, he shall be punished with penal servitude for a term not exceeding seven years. (O192 Add.)

231. Whoever procures the miscarriage of a woman, whom he knows to be with child, without her consent, shall be punished with penal servitude for a term not exceeding ten years.

If as the consequence of such miscarriage or of the means used to cause it, the women dies, he shall be punished with penal servitude or imprisonment for a term not exceeding fifteen years.

If the person guilty of any of the crimes mentioned in this section is a physician, surgeon, pharmaceutical chemist, or a midwife recognized by the Government, the punishment is increased by one-sixth. (O192 Add.)

CHAPTER XXIII.

OFFENCES AGAINST MORALITY AND THE MARRIAGE TIE.

TITLE I.—RAPE, SODOMY AND INDECENT ACTS.

232. Whoever commits rape on any female or commits sodomy on any male or female, without his or her consent, shall be punished with penal servitude for a term not exceeding fifteen years.

If the offender is an ascendant of the woman or child upon whom the crime has been committed, or is entrusted with her or his education or supervision, or is the paid servant of such woman or child or of his or her ascendant or of a person entrusted with her or his education or supervision, the penalty shall be penal servitude for life or for a term not exceeding fifteen years.

If the offence under this section is committed on an unmarried woman the offender is also bound to pay compensation to her. (O197, 198, 199, 200.)

233. Whoever commits an indecent act on the person of another, accompanied by force or threats, shall, whether such act is completed or not, be punished with penal servitude for a term not exceeding seven years.

If such act is committed on a child who has not completed his or her fifteenth year, or if it is committed by one of the persons specified in the second paragraph of the last section, the penalty shall be penal servitude for life or for a term not exceeding fifteen years.

234. Whoever commits an indecent act upon the person of another without his or her consent but without force or threats, and whoever in the presence of any woman does any indecent act without her consent and with intent to offend her modesty, and any man who in female attire enters the residence of a woman, shall be punished with imprisonment not exceeding one year or with fine. (O202.)

235. Whoever has sexual intercourse otherwise than in marriage with a child under the age of fifteen or commits an act of sodomy with such child shall be punished with penal servitude or imprisonment for a term not exceeding seven years.

If the child is under the age of twelve years, or if the offender is one of the persons specified in this section, the penalty shall be penal servitude for a term not exceeding fifteen years.

236. Whoever induces any child under the age of fifteen years to commit, or submit to, an indecent act shall be punished with imprisonment not exceeding two years or with fine.

If the child is under the age of twelve years, or if the offender is one of the persons specified in the second paragraph of section 232, the penalty shall be penal servitude or imprisonment for a term not exceeding ten years.

237. Whoever seduces a virgin, who has attained the age of puberty, under a promise of marriage and afterwards refuses to marry her is liable to pay compensation to her and be punished with imprisonment not exceeding six months. (O200.)

238. Whoever incites a young person, who has not completed his or her eighteenth year, to surrender himself or herself to prostitution, or habitual sodomy for gain or facilitates such surrender, shall be punished with imprisonment not exceeding three years.

When the offender is one of the persons mentioned in the second paragraph of section 232, or has received remuneration for his act, he shall be punished with penal servitude or imprisonment for a term not exceeding seven years. (O201.)

239. Whoever makes indecent proposals to young persons of either sex under the age of 18 years shall be punished with imprisonment not exceeding one month. (O202.)
Tm» II.—ADULTERY AND BIGAMY.

240. (i) The right to lay a charge of adultery against his wife belongs to the husband alone, and extends to acts committed by the wife, until the end of four months after divorce.

(ii) A married woman convicted of adultery shall be punished with imprisonment not exceeding two years.

(iii) The paramour of an adulterous woman shall be punished with imprisonment not exceeding two years if he is married, and not exceeding one year if he is unmarried; and, in addition, he is liable to a fine not exceeding L.T. 100.

(iv) Provided that, if either before or after sentence the husband or guardian desists from prosecution, or the husband takes back his wife, the right to proceed and the punishment are annulled, both as regards the woman, and her paramour; and if the complainant dies before the passing of sentence, the right to proceed against both the woman and her paramour is also annulled. (O210 Add.)

241. A person who carries on adulterous intercourse in the marital home shall, on complaint made by his wife, be punished with imprisonment not exceeding two years and with fine not exceeding L.T. 100. (O201 Add.)

242. Whoever goes through a legal form of marriage, knowing that such marriage is void by reason of the previous marriage of himself or herself or of the other contracting party, shall be punished with imprisonment not exceeding five years.

243. Whoever commits the offence defined in the preceding section or goes through any marriage ceremony which he knows to be void, having concealed from the other contracting party the fact that the marriage or ceremony is void, and thereby induces the other party to co-habit or to have sexual intercourse with him or her, shall be punished with penal servitude or imprisonment for a term not exceeding ten years.

CHAPTER XXIV.

ILLEGAL ARREST AND CONFINEMENT—ABDUCTION.

244. Whoever, without an order from a competent authority and in circumstances other than those in which the law or any regulations authorize the detention of accused persons, detains or confines any person, shall be punished with imprisonment not exceeding five years.

Every person who knowingly supplies a place to be used for such detention or confinement shall also be punished with imprisonment not exceeding three years. (O203.)

245. When in a case falling under section 244 the arrest has been effected by the means of a wrongful assumption of a uniform which is appropriated to persons in the service of the State, or by means of the assumption of a fictitious capacity, or by means of the exhibition of a forged order from a public Authority, the offender shall be punished with penal servitude or imprisonment for a term not exceeding seven years. (O204.)

246. Whoever is guilty of abduction or secret disposition or concealment of a newly-born child, of substitution of one newly-born child for another, or of representing a child as having been born of a woman who has not been delivered of it, shall be punished with imprisonment not exceeding three years.

In case of abduction or secret disposition of a child, the Court may order that the offender be kept in prison after the termination of his sentence and until he produces the child or its death is proved. (O205.)

247. (i) Whoever by force or fraud abducts a child, who has not completed the age of fifteen years, shall, if the child is a boy, be punished with imprisonment not exceeding seven years, and shall, if the child is a girl, be punished with penal servitude for a term not exceeding fifteen years. (O206.)

(ii) Whoever by force or fraud abducts a person of either sex, who has completed the age of fifteen years, shall be punished with penal servitude or imprisonment for a term not exceeding ten years. (O206.)

(iii) When the abductor has legally married the abducted girl or woman, he shall not be liable to any penalty if the woman, or, in a case of a girl under fifteen years of age, her guardian, desists from proceeding against him. (O206.)

(iv) If the abductor has committed no injury to the abducted person and has, within forty-eight hours from the abduction taking place, voluntarily left him or her unharmed in a place of safety from which it is possible for him or her to return to his or her family, the punishment shall be reduced to imprisonment not exceeding one year. (O206.)
CHAPTER XXV.

INTIMIDATION: THREATS.

248. Whoever, with the object of compelling another to do any act or to abstain from any act or to permit any act to be done, threatens to make defamatory disclosures or imputations, or to commit an offence punishable with death or with penal servitude for a term of seven years or more, shall be punishable with penal servitude or imprisonment for a term not exceeding five years.

And if the threats are contained in an anonymous letter, or if the offender has taken precautions to conceal his identity, the punishment shall be penal servitude or imprisonment for a term not exceeding seven years.

249. Whoever, with the same object, employs force or threats other than those mentioned in the last section shall be punished with imprisonment not exceeding two years or with fine or with both.

And if the threats are contained in an anonymous letter, or if the offender has taken precautions to conceal his identity, the penalty shall be imprisonment not exceeding four years or fine or both imprisonment and fine.

(0191 Add.)

250. Whoever, by means of a letter or other writing or by an emblem, or through a third person employed as an intermediary threatens another intermediary with intent to alarm him or disturb his peace of mind, shall be punished with imprisonment not exceeding one year or with fine not exceeding L.T. 50. If the threats are contained in an anonymous letter, or if the offender has taken precautions to conceal his identity, the penalty shall be imprisonment not exceeding three years. (0191 Add.)

251. Whoever by words, acts, or gestures, threatens to cause injury to the person, property or reputation of another, in such a manner and in such circumstances as to make it appear likely that the threats will be carried out, shall be punished with imprisonment not exceeding three months or with fine not exceeding L.T. 20. (0179 Add.)

CHAPTER XXVI.

DEFAMATION: DISCLOSURE OF SECRETS.

DEFAMATION.

252. A person is guilty of defamation who, by any of the methods specified in section 78 of this Code, makes an imputation against another of any fact which, if true, would render the person against whom such fact is alleged liable to legal penalties, or even to the contempt of his fellow citizens.

Nevertheless this section shall not apply to criticism passed upon a public servant, provided that such criticism is passed in good faith and refers solely to the performance of his official duties by such public servant and that every fact alleged is proved to be true.

Except in cases coming within the preceding paragraph, evidence of the truth of a defamatory statement shall be inadmissible. (0214 Add.)

253. Defamation shall be punished with imprisonment for a term not exceeding three years or with fine, if the imputation made is one of a crime or of a misdemeanour. In other cases the penalty shall be imprisonment for a term not exceeding six months or fine.

254. A person commits no offence who, in good faith and without malice, gives information to the judicial or administrative Authorities of the commission of an offence. (0214 Add.)

255. Every insult offered by any of the means specified in section 78 which does not involve the imputation of some specific fact but does involve the imputation of some specific vice, or which reflects in any manner on the honour of any person or on the respect in which he is held, shall be punished with imprisonment not exceeding three months or with fine, but subject in all cases to the provisions of the second paragraph of section 252 where the same are applicable. (0214 Add.)

256. The preceding sections shall not apply to imputations made by one party against the other in any oral or written pleading before a Court of Justice: Such imputation can only be made the subject of a civil action or of disciplinary proceedings.

DISCLOSURE OF SECRETS.

257. Any physician, surgeon, chemist, midwife or other person, who having by reason of his or her profession or functions become in possession of any personal secret of any patient or client or other person towards whom he or she stands in a position of confidence, reveals such secret without the consent of such patient, client or person except when he or she is legally obliged to do so, shall be punished with imprisonment for a term not exceeding six months or with fine not exceeding L.T. 50. (0215.)
Chapter XXVII.

Misappropriation of Property. Theft and Robbery

Title I.—Theft and Robbery.

Theft defined. Whoever dishonestly takes away any movable property which belongs to another without his consent is guilty of theft. Growing crops, plants, and in general everything attached to or forming part of the soil may become the subject of theft by the act of severance committed with intention to appropriate. The various kinds of energy, such as electric and hydraulic energy, may be the subject of theft.

Theft of attached or pledged property. The dishonest taking away by the owner, or by any person acting in collusion with him, of property which is the subject of a judicial or administrative seizure, or which has been pledged by the owner with a third person, shall be treated as theft.

Theft by armed person in open country or road. Theft from a traveller, committed in the open country or on the public highway by a person who is secretly or openly armed, shall be punished with penal servitude for life or for a term not exceeding fifteen years. If the offender has previously committed this offence or has tortured his victim or treated him with cruel brutality, he may be punished with death.

Theft, when punishable with penal servitude for life. Whoever is guilty of theft committed in circumstances in which the following conditions are present together shall be punished with penal servitude for life or with penal servitude or imprisonment for a term not exceeding fifteen years:

(i) that the theft is committed between sunset and sunrise,
(ii) that it is committed by two or more persons,
(iii) that it is committed in a place which is inhabited, or in the curtilage thereof, admission to which has been obtained either by breaking in, or by climbing in, or by the use of false keys, or by means of any fraudulent device, or by collusion with an inmate of the house, and
(iv) that one or more of the offenders are openly or secretly armed, or make use of violence.

Theft punishable with prison for fifteen years. The following thefts shall be punished with penal servitude or imprisonment for a term not exceeding fifteen years:

(i) Theft committed by two or more persons, if the offenders or one of them are openly or secretly armed:
(ii) Theft committed between sunset and sunrise by two or more persons with violence:
(iii) Theft committed by violence which has caused one of the injuries mentioned in sections 221 or 223.

Thefts punishable with prison for ten years. The following thefts shall be punished with penal servitude or imprisonment for a term not exceeding ten years:

(i) Theft committed with violence:
(ii) Theft committed by a person openly or secretly armed:
(iii) Theft committed between sunset and sunrise in a place which is inhabited or the curtilage thereof, or in a bank, shop, or warehouse, admission to which has been obtained either by breaking in, or by climbing in, or by the use of false keys, or by means of any fraudulent device, or by collusion with an inmate of the house:
(iv) Theft committed between sunset and sunrise by three persons at least.

Meaning of "theft with violence." Theft shall be regarded as having been committed with violence even though the violence has been used by the thief, immediately after the commission of the theft, in order to secure his escape or the retention of the property stolen.

Thefts punishable with prison for five years. The following thefts shall be punished with imprisonment not exceeding five years:

(i) Theft committed with threats to use violence:
(ii) Theft committed in a place which is inhabited or intended for habitation or in the curtilage thereof, or in a building dedicated to any form of religious worship:
(iii) Theft committed on premises which are enclosed by a wall, hedge or fence, admission to which has been obtained by breaking in, or by climbing in, or by the use of false keys, or by means of any other fraudulent device:
(iv) Theft committed by the breaking of any seal affixed by order of a public authority or a Court:
(v) Theft committed by a paid servant to the prejudice of his master, or by an employee, workman, or apprentice, in a workshop or warehouse belonging to his master, or in any place in which he ordinarily works.
266. Theft not accompanied by any of the aggravating circumstances Simple theft.
above mentioned shall be punished with imprisonment not exceeding three
years. (0223, 224, 225, 280.)

267. If the value of the thing stolen does not exceed 50 piastres, a fine Petty theft.
not exceeding L.T. 5 may be substituted for the penalty of imprisonment
prescribed by either of sections 265 and 266.

268. Any person who is discovered between sunset and sunrise carrying House breaking.
false keys or other instruments suitable for house breaking and who seeks to
conceal himself, or is otherwise shown to entertain a criminal intention, shall
be punished with imprisonment not exceeding two years.

269. Whoever imitates or alters any key, or fashion any instrument, Fabrication of false
intending that such false key or instrument shall be used for criminal purpose,
shall be punished with imprisonment not exceeding two years.

If the offender is a locksmith by trade, the penalty shall be imprisonment
not exceeding three years. (0228.)

TITLE II.—EXTORTION.

270. Whoever extorts from another by force or threatens the possession of
a document containing or constituting an obligation, disposition of
property, or release, or a document which may serve to establish rights of
property, or who compels another by force or threats to sign or to put his seal
upon such a document, shall be punished with penal servitude or imprison­
ment for a term not exceeding 15 years. (0191, 229.)

The word "release" was substituted for "lease" by the Baghdad Penal

271. Whoever extorts by threats the delivery of any sum of money or
other article, shall be punished with imprisonment not exceeding five years.
(0191, 229.)

272. If the threat mentioned in the preceding section is a threat to
take defamatory disclosures or imputations, or to commit an offence punishable
with death or with penal servitude for a period of ten years or more, the
penalty shall be penal servitude or imprisonment for a term not exceeding
fifteen years. (0191.)

TITLE III.—CRIMINAL CONVERSION AND BREACH OF TRUST.

273. Any person, to whom movable property belonging to another has
been in any manner entrusted or delivered for any purpose, who dishonestly
converts such property to his own use or benefit or to the use or benefit of any
other person, or dishonestly disposes of it in a manner contrary to the purpose
for which such property was entrusted or delivered to him, as prescribed by
law or expressly or impliedly directed by the person entrusting or delivering
it, shall be punished with imprisonment for a term not exceeding three years
and with fine or with one only of these penalties. (0236.)

274. The same penalties shall apply to the dishonest disposal, in the
manner mentioned in the preceding section, by the owner of any property
which is the subject of a judicial or administrative seizure and which has been
entrusted to him as custodian, or delivered to him by the custodian, or of
any property which he has pledged and which has been entrusted to him by
the pledgee.

275. (i) The penalty shall be imprisonment for a term not exceeding
five years and a fine or one only of these penalties, if the offence falling under
section 273 has been committed by a carrier by land or water, or a warehouse
keeper, or a representative of such persons, in respect of property entrusted
in the course of his business, or by a clerk or servant in respect of
property entrusted to him by his employer or master. (0236.)

(ii) The penalty shall be imprisonment for a term not exceeding seven
years and a fine or one only of these penalties, if the offence has been committed
by a person appointed by an order of the Court in respect of property of which
the control or management has been entrusted to him by the Court, or by a
banker, broker, or advocate, in respect of property entrusted to him in the
course of his profession, or by the representative of a banker, broker or advokate
in respect of properties so entrusted to such banker, broker, or advocate.

276. Whoever converts to his own use or benefit or to the use or benefit
of any other person, any movable property which has come into his possession
by mistake or by accident or any property which he has found, shall be
punished with imprisonment for a term not exceeding one year or with fine
not exceeding L.T. 50; provided that he knew to whom such property belonged
corrupted or omitted to take reasonable steps to ascertain whom it belonged.

Conversion to own use of property coming into pos-
session of offender by accident.
TITLE IV.—OBTAINING PROPERTY BY FALSE PRETENCES AND CHEATING.

277. Whoever dishonestly obtains the transfer or delivery to himself or to any third person of any movable property belonging to another—

(a) by means of any false statement of an existing fact,
(b) by means of any fraudulent trick or artifice, or
(c) by the assumption of a false name or description, or
(d) by disposing of any movable or immovable property of which he is not the owner and over which he has no power of disposal, or
(e) by taking advantage of the inexperience of any person who has not completed his eighteenth year, shall be punished with imprisonment for a term not exceeding three years and with fine or with one only of these penalties. (0233, 234.)

278. The same penalties shall apply to any person who by any of the like means dishonestly induces another to sign, seal, or cancel a document containing or constituting an obligation, disposition of property or release, or a document which may serve to establish rights of property. (0233, 234.)

279. The penalty shall be imprisonment not exceeding seven years and fine or one only of these penalties, if the offence mentioned in either of the two preceding sections is committed in respect of a person whose interests the offender is bound either by law or by contract to protect. (0234.)

279A. Whoever by any of the means mentioned in Section 277 dishonestly causes the person deceived wrongful loss of property whether the loss consists of such person being deprived of property or kept out of property, shall be punished with imprisonment not exceeding one year and with fine or with one only of these penalties.

Section 279A was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920.

TITLE V.—RECEIVING PROPERTY UNLAWFULLY OBTAINED.

280. Whoever dishonestly receives or retains or assists in the concealment or disposal of movable property which he knows to have been obtained by means of any of the offences mentioned in this chapter, shall be punished with imprisonment for a term not exceeding three years and with fine or with one only of these penalties.

The word "three" was substituted for the word "two" by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920.

281. The penalty shall be imprisonment for a term not exceeding seven years and fine or one only of these penalties, if the offender knew or had reason to believe that the property was obtained by means of an offence punishable with penal servitude or imprisonment for a term of seven years or more.

The words "seven years" were substituted for the words "five years" and the words "or had reason to believe" were inserted after the words "if the offender knew" by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1920.

TITLE VI.—GENERAL PROVISIONS.

282. When any offence punishable under this chapter is committed in respect of property belonging to the husband or wife, ascendants or descendants, of the offender, no prosecution shall take place except upon the complaint of such person or persons.

This section shall not apply if such property is the subject of judicial or administrative seizure or has been pledged by the owner with a third person. (0216.)

CHAPTER XXVIII.

FORGERY AND OTHER OFFENCES RELATING TO DOCUMENTS.

283. Whoever forges a document containing or constituting an obligation, disposition of property or release, or a document which may serve to establish rights of property, shall be punished with penal servitude or imprisonment for a term not exceeding seven years. (0155.)

284. Whoever forges any other document shall be punished with imprisonment for a term not exceeding three years and with fine or with one only of these penalties. (0155.)

285. Whoever makes use of any document mentioned in either of the two preceding sections, knowing the same to be forged, shall be punished with the penalties provided for the forgery of such document. (0155.)

286. Whoever dishonestly cancels, destroys or defaces a document containing or constituting an obligation, disposition of property or release, or a document which may serve to establish rights of property, shall be punished with imprisonment for a term not exceeding five years and with fine or with one only of these penalties. (0261.)
CHAPTER XXXIV.
Offences Relating to Trade.

Title I.—False Weights and Measures.

287. Any clerk, officer, or servant, who, with intent to defraud destroys, alters, mutilates, or falsifies any register or account which belongs to his employer, or, with the like intent, makes any false entry in, or omits any material particular from any such register or account, shall be punished with imprisonment for a term not exceeding five years and with fine or with one only of these penalties.


290. Whoever interferes by word or act with the freedom of biddings or tenders at any sale or letting by public auction or by public tender shall be punished with imprisonment not exceeding three months or with fine or with both. (O238.)

291. (i) Every person who, by purposely disseminating any false or defamatory news or notice amongst the public, or by making offers in excess of the price demanded by vendors themselves or by forming a combination of the principal holders of a particular class of goods, or commodities with the object of preventing their sale either altogether or at less than a certain price, or by any other ways or means, fraudulently produces a rise or fall in the price of any goods or commodities, public securities or stocks, above or below the price which would naturally result from free commercial competition, shall be punished with imprisonment for a term not exceeding a year or with fine or with both.

(ii) When such devices have been employed in regard to meat, bread, firewood, coal or any other article of prime necessity, the maximum term of imprisonment prescribed in the preceding paragraph shall be doubled. (O250.)

292. Every person who deceives a purchaser as to the fineness of any gold or silver article or as to the genuineness of any precious stone, which is in fact spurious, or as to the character or description of any wares; and every person who deceives or attempts to deceive a purchaser or vendor as to the quantity of any goods delivered, either by the use of any false weight or measure, or by means of any incorrect weighing or measuring instruments, or by means of any method tending to falsify the operation of weighing or measuring or fraudulently to increase the weight or bulk of such goods even before the weighing or measuring takes place, or finally by the fraudulent use of any indication which suggests that the goods have already been correctly weighed or measured, shall be punished with imprisonment for a term not exceeding one year or with fine or with both.

293. (i) Every person who prints, or causes to be printed, any book in disregard of the laws and regulations as to the copyright of the authors, or who manufactures, or causes to be manufactured, any article in regard to which an exclusive right has been granted to an individual or to a body of persons, is guilty of the misdemeanour of infringement of an exclusive right.

(ii) Any book or article constituting an infringement of an exclusive right shall be confiscated in favour of the owner of the right, and the person guilty of the infringement shall be punished with fine not exceeding L.T. 100. If the introduction into the Occupied Territories of any work or article which constitutes an infringement as aforesaid shall be a fine not exceeding L.T. 25. (O241.)

294. Counterfeiting trade-marks or falsely selling or offering for sale any goods marked with any such counterfeit trade-mark shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding L.T. 100, or with both. (O150.)
285. Whoever with the object of deceiving a purchaser imitates the distinctive appearance of the goods of another, or any mark thereon which is regarded by the public as distinctive of such goods, or the way in which they are packed or labelled, shall be punished with imprisonment for a term not exceeding six months or with fine not exceeding L.T. 100 or with both. (0160.)

TITLE IV.—TRADING IN PROHIBITED ARTICLES.

296. Every person who introduces or attempts to introduce, transports, hawks about, keeps for sale, or acts as receiver of, any articles, the introduction of which into the country is prohibited, shall be punished with imprisonment for a term not exceeding six months or with fine or with both of these penalties, unless a different penalty is prescribed by some other provision of the law.

CHAPTER XXX.

OFFENCES AGAINST CREDITORS.

TITLE I.—FRAUDULENT DISPOSITION OF PROPERTY.

297. Whoever, with intent to defraud his creditors or the creditors of another, or with intent to prevent execution being levied upon his property or that of another whethermoveable or immoveable

(i) executes a stimulated document which purports to contain or constitutes an obligation, disposition of property or release, or which might serve to establish rights of property; or

(ii) admits the existence of fictitious debt or obligation, or falsely admits the payment of a debt or the extinction of an obligation; or

(iii) collusively obtains, or submits to, a judgement in a civil or commercial suit which is wholly or partly unjustified; or

(iv) collusively executes, or submits to, the execution of a judgement which has already been executed;

shall be punished with imprisonment for a term not exceeding two years and with fine or with one only of these penalties.

298. Whoever, with any of the intents mentioned in the preceding section, or with intent to defraud any person having a right of pre-emption, false statement

in document

(a) makes in any document which contains or constitutes an obligation, disposition of property or release, a false statement in respect of the consideration given or to be given for the legal right to which the document relates or in respect of the person for whose benefit the document is really intended to operate, shall be punished with imprisonment for a term not exceeding one year and with fine or with one-only of these penalties.

The words from "a false statement" to "intended to operate" were added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment, 1920.

TITLE II.—BANKRUPTCY.

299. Every trader who has suspended payment shall be declared a fraudulent bankrupt in the following cases:

(1) If he has taken away, destroyed or altered his books; or

(2) if he has misapplied or failed to disclose part of his assets to the prejudice of his creditors; or

(3) if in any of his papers or in his statement of affairs or in any other document or even by any oral admission or by the intentional failure to produce any document or to give any explanation, he has fraudulently admitted a debt which he did not really owe or has caused the same to be admitted.

Every person guilty of fraudulent bankruptcy and every accessory of any such person shall be punished with imprisonment for a term of not less than three nor more than five years. (0231.)

300. Every trader who has caused the loss sustained by his creditors by rashness or gross negligence, shall be declared a simple bankrupt, and in particular every trader in regard to whom any of the following facts is established:

(1) That his personal or household expenses have been held to be excessive; or
(2) that he has expended large sums on gambling, or on transactions of a purely gambling nature, or on transactions for differences on the Bourse or in commodities; or

(3) that, with intent to postpone his insolvency, he has made purchases for re-sale below the market price; or that with a similar intent he has had recourse to borrowings, the negotiation of bills or other ruinous means of raising money; or

(4) that he has induced his creditors to agree to a composition by a fraudulent device.

301. Every trader in regard to whom any of the following facts is established may be declared a simple bankrupt:

(1) That he has failed to keep the books required by section 3 of the Commercial Code or has failed to make the inventory prescribed by section 4 of that Code; or that his books are incomplete and irregularly kept so as not to present a correct statement of his assets and liabilities, although they are not actually fraudulent; or

(2) that he has failed to make a declaration of suspension of payment within the period prescribed by section 148 of the Commercial Code, or has failed to lodge the statement of affairs prescribed by section 149, or that the information required to be given by section 149 is found to be incorrect; or

(3) that, without lawful excuse, he has failed to appear in person at any meeting of creditors summoned by the judge-commissary, or has failed to furnish any information required by such judge or that the information furnished by him is incorrect; or

(4) That after suspension of payment he has intentionally paid or preferred a creditor to the prejudice of the estate, or has allowed a creditor some special advantage with a view to obtaining his assent to a composition; or

(5) that he has been declared insolvent before satisfying his liabilities under a previous composition.

302. In case of the insolvency of an incorporated company or partnership with shares, the directors and managers thereof shall be liable to the penalties prescribed for fraudulent bankruptcy, if they are found guilty of any of the acts specified in section 299 of this Code or if they have occasioned the failure of the company by fraud or deceit, and in particular if they have conducted to the suspension of payment by the company or partnership, either by making any false statement as to the amount of capital subscribed or paid up or by the payment of dividends which have not been earned or by deceitfully appropriating to themselves preferential payments in excess of those authorized by the articles of the company or partnership.

303. In the case of insolvency of any such company or partnership the directors and managers shall be liable to the penalties prescribed for simple bankruptcy:

(1) If they are found guilty of any of the acts specified in section 300 (2) or (3) or section 301 (1), (2), (3) or (4) of this Code; or

(2) if, with intent to deceive, they have failed to publish the Articles of the company or partnership in the manner prescribed by law; or

(3) if they have been parties to or have assented to any act contrary to the statutes of the company or partnership.

304. Every person guilty of simple bankruptcy shall be punished with imprisonment for a term not exceeding two years. (0232.)

305. Every person, not coming within the definition of an accessory, shall be punished with imprisonment for a term not exceeding three years or with fine not exceeding L.T. 100 or with both such penalties:

(1) If he takes away, fails to disclose or conceals the whole or a portion of the moveable or immovable assets of an insolvent, even though he be the spouse, parent, child, or remoter descendant or ancestor of the insolvent or a relation by marriage of the same degree, or

(2) if, not being a creditor, he fraudulently takes part in meetings held for the purposes of a composition or brings forward and asserts the truth of any fictitious claim in an insolvency, either in his own name or by intervention of another; or

(3) if, being a creditor, he fraudulently overstates his claim or asks for or accepts any special advantage in return for his vote at a meeting held for the purposes of a composition or insolvency, or makes a special bargain to his own advantage and to the detriment of other creditors; or
(4) if, being a syndic in an insolvency, he is, as such guilty of malversation.

The Court shall at the same time decide of its own motion what restitution is due to the estate and, if need be, as to the damage claimed on behalf of the estate, and this provision shall apply even though the accused is acquitted.

Section 305, the word "remover" was substituted for "remover" by Baghdad Penal Code and Criminal Procedure Regulations Amendment, 1920.

Of the Criminal Breach of Contracts of Service.

305A. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person, or any property from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during the voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to L.T. 5, or with both.

Illustration.

(a) A, a porter, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away, A has committed the offence defined in this section.

(b) A, a proprietor of camels, being bound by legal contract to convey goods on his camels from one place to another, illegally omits to do so, A has committed the offence defined in this section.

(c) A, by unlawful means, compels B, a porter, to carry his baggage. B, in the course of the journey, puts down the baggage and runs away. Here, as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation.—It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient, if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

305B. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who by reason of youth, or of unsoundness of mind or of disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits to do so, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to L.T. 10, or with both.

305C. Whoever, being bound by a lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not exceeding two years, at any place within Mesopotamia to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment for a term not exceeding one month or with fine not exceeding double the amount of such expense, or with both: unless the employer has ill-treated him or neglected to perform the contract on his part.

Sections 305A, B and C were added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

CHAPTER XXXI.

INJURIES TO PROPERTY.

TITLE I.—ARSON.

306. Every person who wilfully and maliciously sets fire to or destroys any Government building or military store house shall be punished with death: and every person who set purpose and maliciously sets fire to or destroys any other Government property shall be punished with penal servitude for a term not exceeding fifteen years. (O61.)
307. Whoever wilfully sets fire to any building situated in a town or village whether such building is inhabited or used for habitation or not or to any building or structure wherever situated, which is either inhabited or used for habitation, or to any ship, boat, or structure which is either inhabited or used for habitation, whether such premises are or are not the property of the offender, shall be punished with death, if the fire occasioned loss of life, and with penal servitude for life, or for a term not exceeding fifteen years, if it does not.

Every person who wilfully sets fire to any truck or carriage in which there are any persons, or which forms part of a train in which there are any persons, shall be liable to the like penalty. (0183.)

308. Whoever wilfully sets fire to any building, not being situated in a city town or village, or to any ship or boat, whether the same are inhabited or not, or to any press, water wheel, machine used for irrigation, forest, wood, or standing crop which is not his property, shall be punished with penal servitude for life or for a term not exceeding fifteen years. (0184.)

Whoever wilfully causes damage to another by setting fire to any of the above-mentioned objects shall, if such object is his own property, or is set fire to by order of the owner, be punished with penal servitude or imprisonment for a term not exceeding fifteen years. (0184.)

309. Any person who wilfully sets fire to any timber or firewood, or to any crop which has been cut, whether still in the fields or carried into the threshing floor, or to any carriage or truck whether containing goods or not which does not form part of a train in which there are persons shall, if such object is not his property, be punished with penal servitude for a term not exceeding fifteen years if: in setting fire to any object above mentioned when the same is his property, or when he is acting under orders from the owner, he wilfully causes any damage to any other person, he shall be punished with penal servitude or imprisonment for a term not exceeding fifteen years. (0185.)

310. Whoever wilfully sets fire to any moveable or immoveable property belonging to another not comprised in the preceding sections shall be punished with penal servitude or imprisonment for a term not exceeding seven years.

If anyone, with intent to injure or defraud some other persons, sets fire to his own property or sets fire to the property of a third person by the direction of such person, and such property not being comprised in the preceding sections, he shall be punished with penal servitude or imprisonment for a term not exceeding five years. (0186.)

311. When in any of the above-mentioned cases, fire has caused the death of any person who was present in the place set fire to at the moment when the fire broke out, any person who wilfully caused the fire shall be punished with death. (0186.)

312. In this title the words "sets fire to" shall be deemed to include "sets fire to" to include explosive.

Penalty when death caused by fire.

TITLE II.—WILFUL DESTRUCTION AND DAMAGE.

313. Whoever wilfully destroys, renders useless, or damages any moveable or immoveable property belonging to another shall be punished with imprisonment for a term not exceeding six months.

If the act has caused loss or damage to the amount of L.T. 4, or upwards, the offender shall be punished with imprisonment for a term not exceeding two years and with fine or with one only of these penalties. (0244, 249, 253.)

314. Whoever, except in case of necessity, wilfully kills or seriously injures, or administers poison to, any animal belonging to another shall be punished with imprisonment for a term not exceeding one year and with fine or with one only of these penalties. (0245.)

If the animal is an animal used for riding, draught or burden, or is of the value of L.T. 4 or upwards, the offender shall be punished with imprisonment for a term not exceeding three years and with a fine or with one only of these penalties.

315. Whoever wilfully destroys, cuts down, lops or damages any tree or plant belonging to another or any tree or plant planted in the courtyard of a mosque or in a street, promenade or public place, shall be punished with imprisonment for a term not exceeding one year or with fine. (0133, 253.)

316. Whoever wilfully destroys, mutilates or damages any building dedicated to the rites of any religious creed or to public use, or any monument of public ornament or antiquity, or any ancient bas-relief or inscription, shall be punished with imprisonment for a term not exceeding two years or with fine or with both. (0133.)

317. Whoever wilfully damages the property of another:

(i) by cutting or laying waste any standing crop; or
(ii) by devasating a sown field or spreading over a field any noxious herb or plant, or any substance injurious to vegetation; or
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Destroying of public records and objets d'art.

318. Whoever wilfully destroys or mutilates any record, register, or document belonging to any public administration, or preserved in the archives thereof, or any book, manuscript or object of any description kept for purposes of art, science or literature, or as an object of curiosity in any museum, gallery, library, or other place open for the admission of the public at all times or upon conditions, shall be punished with imprisonment not exceeding three years or with fine or with both. (0253 Add.)

Damage with violence by five or more persons.

319. When moveable or immovable property of any description has been damaged or pillaged by a band of five persons at least, acting with open violence, each member of the band shall be punished with penal servitude or with imprisonment for a term not exceeding ten years and with fine or with one only of these penalties. (0252.)

DESTRUCTION OR REMOVAL OF LANDMARKS.

320. Whoever fills up any ditch, destroys any wall, hedge, fence or bank, or displaces or effaces any landmark or other mark, which indicates the boundary between different properties or workings, with the object of making or facilitating an encroachment on any land, shall be punished with imprisonment for a term not exceeding two years and with fine or with one only of these penalties. (0246, 252, Add.)

Damage to survey mark.

321. Whoever wilfully destroys, injures or displaces any mark used for surveying or topography, or any triangulation mark, surveying mark or bench mark, shall be punished with the like penalties.

CHAPTER XXXII.

CRIMINAL TRESPASS.

322. Whoever enters upon an immovable property in the possession of another with intent forcibly to keep such other person out of possession thereof or to commit any offence on such property, or after a lawful entry remains there with the intent to do any of the acts above mentioned, shall be punished with imprisonment for a term not exceeding three months or with fine or with both. If the offence is committed by two or more persons, one of whom at least is armed, or by not less than ten persons, though unarmed, the penalty shall be imprisonment for a term not exceeding three years or fine or both imprisonment and fine. (0252 Add.)

If by more persons than one

323. Whoever enters into any place which is inhabited or intended for habitation or the curtilage thereof, or any building dedicated to any form of religious worship, or any inhabited vessel, or any warehouse, the place so entered being in the possession of another, with intent to keep such other person out of possession or to commit an offence therein, or who, after a lawful entry, remains there with intent to do any of the acts above mentioned, shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding L.T. 50, or with both. (0105 Add.)

Trespass by night

324. When any offence mentioned in the preceding section is committed between sunset and sunrise, the penalty shall be imprisonment for a term not exceeding two years or fine not exceeding L.T. 100. (0105 Add.)

House-breaking by night

If such offence is committed between sunset and sunrise and in addition by breaking or climbing in or by an armed person, the penalty shall be imprisonment for a term not exceeding three years.
PART IV.

CHAPTER XXXIII.

MISCELLANEOUS CONTRAVENTIONS.

TITLE I.—OFFENCES IN RESPECT OF THE PUBLIC HIGHWAY AND OF LAND DEDICATED TO PUBLIC USE.

325. (1) Whoever, except in case of necessity, obstructs the public highway without the leave of the proper authority, either by depositing or leaving in it any material or thing, or by placing or allowing any material or thing to project over it, which material or thing interferes with the security or freedom of passage thereon, or by digging excavations therein, or in any manner whatsoever encroaches on the highway or on land dedicated to the public use or enjoyment shall be punished with fine not exceeding L.T. 2, and shall also be liable to pay the cost of removing the obstruction or repairing the damage. (0254, 264.)

(2) Whoever omits to arrange for the lighting of any material or thing which he has deposited or left on the public highway, or of any excavation which he has dug therein shall be punished with fine not exceeding L.T. 1. (0254.)

(3) Whoever extinguishes any lamp or lantern used for the illumination of the public highway or any public place shall be punished with fine not exceeding L.T. 2, or with imprisonment not exceeding one month.

(4) Whoever exposes goods for sale or sells goods in public places where such sales are forbidden by the police or during hours other than those appointed by the police shall be punished with fine not exceeding L.T. 1.

325A. (1) Whoever causes any vehicle with or without any animal harnessed thereto to remain or stand so as to cause obstruction in any street longer than may be necessary for loading or unloading or for taking up or setting down passengers: and

Whoever leaves or fastens any vehicle or animal so as to cause any obstruction in any street, and

Whoever in any other manner wilfully obstructs or causes obstruction to the free passage of any street; shall be punished with fine not exceeding L.T. 2.

(2) Whoever rides or drives any animal or drives any vehicle in any street or highway without regard to the rule of the road or in a rash or negligent way, shall be punished with fine not exceeding L.T. 4, or with imprisonment not exceeding seven days.

Explanation.—According to the rule of the road, whoever is driving along any street or highway must, except in case of actual necessity, keep to the left when passing a vehicle coming from the opposite direction and to the right when passing a vehicle going in the same direction.

(b) Whoever drives, leads or keeps standing any vehicle in any street between nightfall and dawn without a suitable lamp placed on each side thereof unless there is sufficient moonlight to render a lamp unnecessary, shall be punished with fine not exceeding L.T. 4, or imprisonment not exceeding seven days.

Section 325A was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

TITLE II.—OFFENCES IN RESPECT OF THE PUBLIC SAFETY OR CONVENIENCE.

326. (1) Whoever neglects or refuses to obey an order of a proper authority to repair or demolish any building in a dangerous condition shall be punished with a fine not exceeding L.T. 1 for each day during which such refusal or neglect continues, and the local authorities may, after giving him notice, carry out such demolition or repairs, and he shall be liable to pay the cost of the same. (0254.)

(2) Every person shall be punished by fine not exceeding L.T. 1,

(a) who without due care throws into the public highway anything likely to injure passers-by by its fall; or

(b) who causes or allows any horse or animal used for draught, burden or riding to run loose in any inhabited place. (0256);

(c) who allows any dangerous lunatic in his charge or any harmful or fierce animal to be at large.
Whoever neglects to clean any chimney or kiln or any works in which fire is in common use or to maintain the same in proper condition shall be punished with fine not exceeding LT 2 (0255).

Whoever without authorization discharges any firework in any place where the same is liable to cause any damage or accident shall be punished with fine not exceeding LT 1 or with imprisonment not exceeding 7 days (0255).

Whoever fires off any pistol, gun or mortar, or causes any explosive substance to explode within a town or village shall be punished with fine not exceeding LT 5, or with imprisonment not exceeding one month (0255).

Whoever makes any noise or uproar at night to the disturbance of the peace of the inhabitants shall be punished with fine not exceeding LT 1, or with imprisonment not exceeding seven days (0260).

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Sub-section 7 was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

Sub-section 8 was added by the Baghdad Penal Code and Criminal Procedure Regulations Amendment Proclamation, 1919.

Indecent exposure (i) Whoever exposes himself indecently in a public place shall be punished with a fine not exceeding LT 1, or imprisonment not exceeding a week.

Loitering for immoral purpose (i) Whoever loiters in the public highway or in any public place for the purpose of prostitution or solicits for the purpose of sensual immorality shall be punished with fine not exceeding LT 10, or imprisonment not exceeding three months.

Defecation in public place (1) Whoever defecates in the public highway or any public place in a village or town, except in a place set apart for the purpose, shall be punished with fine not exceeding LT 1.

Depositing of filth in public place (2) Whoever in the public highway or in a public place, in a village or town throws or deposits any filth, excrement, sweepings or slops or any decaying matter shall be punished with fine not exceeding LT 2, or imprisonment not exceeding fourteen days (0254).

Pollution of rivers or ditches (3) Whoever throws into a river or into any canal, drain or water course any dead animal or any other substance liable to be injurious to the public health shall be punished with a fine not exceeding LT 1.

Burying corpse in inhabited place (4) Whoever buries any human corpse in or near any town, village or habitation, otherwise than in a cemetery or a place authorized by the local Authorities shall be punished with fine not exceeding LT 10, or imprisonment not exceeding three months (0264 Add).

Trespass on sown land (a) Every person shall be punished with fine not exceeding LT 1, who wrongfully enters upon or passes over any land prepared for sowing or sown or on which a crop is standing, or causes or allows any livestock or any material used for draught burden or riding to pass over such land (0261); or

(b) who throws any stone or other hard body or filth at a carriage, houses, building, or wall belonging to another or into a garden or enclosure (0266).

Every person who carelessly or wilfully throws any hard substance or filth at another shall be punished with a fine not exceeding LT 1. (0268)
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