



THE PENAL CODE

FOR

THE KINGDOM OF SIAM

(DRAFT VERSION.)



R. S. 127 (1908).

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THIS draft version of the Penal Code was translated into Siamese with several slight alterations. It was promulgated in the *Government Gazette* on the 1st day of June 127 (1908), and comes into force on the 21st day of September 1908.

PENAL CODE.

BY THE KING'S MOST EXCELLENT MAJESTY.

WHEREAS it is expedient to codify and otherwise to improve the criminal law of the Country.

IT IS HEREBY enacted as follows :—

PRELIMINARY.

Section 1.

This law shall be called the Penal Code.

Section 2.

It shall come into force on.....

Section 3.

On and from the day of operation of this Code the following laws and regulations shall be repealed :—

- (1). The laws mentioned in the schedule annexed.
- (2). All other laws and regulations in so far as they relate to any act made punishable or not punishable under this Code.

(a)

Section 4.

The provisions of this Code shall not affect the jurisdiction exercised by the Palace Court, the Ecclesiastical Courts and the Military and Naval Courts.

BOOK I.

GENERAL PROVISIONS.

CHAPTER 1.

EXPLANATIONS.

Section 5.

In this Code, whenever a term is explained, such term is employed in the sense stated in the explanation, unless there is something repugnant to it in the text.

Section 6.

(1). An act may include the omission to do anything enjoined by law or the effect of such omission.

(2). A person is said to do an act wrongfully when he does an act to do which he is not entitled by law.

(3). A person is said to do an act dishonestly when he does an act in order to procure for himself or any other person any advantage to which he is not entitled by law and to the injury of any other person.

(4). A person is said to do an act fraudulently when he does that act with intent to deprive another person of a right by fraud.

(5). A person is said to counterfeit a thing when he makes a thing to resemble another thing with intent to deceive a person by such resemblance.

(6). An offence denotes any act made punishable by the law for the time being in force.

(7). A compoundable offence denotes an offence which can only be prosecuted on the complaint of the injured person.

(8). A conspiracy denotes an agreement between two or more persons to commit an offence.

(9). A bribe denotes any gratification or advantage other than a legal remuneration given to an official in consideration of the doing or not doing of any act within the scope of his functions.

(10). Property denotes anything capable of being the object of a right or ownership. It includes money as well as anything moveable or immoveable.

(11). A public way denotes any land or waterway used by the public. It includes any public road.

(12). A public road denotes any road, place or path over which the public has a right of way on land. It includes any railway or tramway used for public conveyance.

(13). A public place denotes any building or space to which the public has a right of admittance.

(14). A dwelling place denotes any building, tent or vessel or other enclosed space used for human dwelling. It includes such appurtenances as are contiguous to it.

(15). An arm denotes any firearm, sword, dagger, knife, spear, bamboo spear, or any other instrument made for the purpose of shooting, stabbing, cutting or causing grievous bodily harm in any manner.

(16). Cattle and beasts of burden include buffaloes, bulls, bullocks, cows, calves, elephants, horses, ponies, mules, sheep, goats and pigs.

(17). A writing denotes any mark upon paper or any other substance to express words or figures. It includes printing, lithography, photography, engraving and every other mode in which words or figures can be expressed on paper or on any other substance.

(18). A document denotes any writing which may be used as evidence of the matter therein contained.

(19). A public document denotes any document drawn up or authenticated by any competent official. It includes a copy of any such document authenticated as aforesaid.

(20). A valuable document denotes any document by which a right or debt is created, or modified or extinguished or transferred, or by which the creation, modification, extinction or transfer of such right or debt is acknowledged.

(21). A signature includes any mark put to a document by a person unable to write his name.

(22). The year is the solar year according to the official calendar.

(23). The day is of twenty-four hours.

(24). Night means the interval between sunset and sunrise.

(25). A paragraph denotes a portion of a section beginning a new line.

(26). A sub-section denotes a paragraph distinguished by a prefixed number or letter.

CHAPTER 2.

APPLICATION OF PENAL LAWS.

Section 7.

A person shall only be punished for an act done by him if such act be declared to be an offence and the punishment is defined by the law in force at the time of the doing of such act.

No other punishment than that defined by law shall be inflicted.

Section 8.

Whenever the law in force at the time at which an act is done is different from that in force at the time at which the trial takes place, the law which is more favourable to the accused shall be applied.

Section 9.

Whoever commits an offence within the limits of the country shall be tried and punished according to the provisions of Siamese law.

Section 10.

Whoever commits an offence outside the country shall be punished in Siam, in the following cases :—

- (1). If the offence be committed against the King and the State under sections 97 to 111.
- (2). If the offence relate to money, seals or stamps of the State under sections 202 to 221.
- (3). If the offence be piracy.
- (4). If the offence be committed by a Siamese subject, provided that :—
 - (a) there be a complaint by a foreign State or by the injured person ;
 - (b) the offence be punishable by the law of the country where it is committed ;
 - (c) the offence be punishable by Siamese law if committed in Siam, and
 - (d) the offender be not acquitted of such offence in the foreign country where it is committed or the punishment inflicted for such offence be not suffered or precluded by prescription or otherwise remitted.

Section 11.

The general provisions contained in Book I. of this Code shall apply to any offence punishable under the provisions of any Royal decree or law, unless it be otherwise provided.

CHAPTER 3.
PUNISHMENTS AND EXECUTION OF
PUNISHMENTS.

Section 12.

The punishments are :—

- (1). Death.
- (2). Imprisonment.
- (3). Fine.
- (4). Restriction of residence.
- (5). Forfeiture of property.
- (6). Security for keeping the peace.

Section 13.

A person sentenced to death shall be beheaded.

Section 14.

The execution shall take place at such time and place as shall be appointed by the proper authorities after Royal Sanction has been obtained.

Section 15.

The body of the executed person shall be delivered to the relatives, if they claim it, by whom it shall be disposed of without any pomp or demonstration.

Section 16.

If a woman sentenced to death be found to be with child, execution of the sentence shall be deferred until after her delivery.

Section 17.

Fine is a certain sum of money expressed in the sentence to be paid to the State.

Section 18.

In default of payment of fine within fifteen days from the day when the sentence became final, the payment may be levied by distress or the offender shall suffer imprisonment in lieu thereof.

The term of imprisonment to which the payment of a fine is commuted shall be reckoned at the rate of one tical a day, provided that in no case shall such imprisonment exceed one year.

Section 19.

Whenever during the time of imprisonment in lieu of payment of a fine the fine is paid, a sum of money equivalent to the number of days passed in prison shall be deducted and the imprisonment shall terminate forthwith.

Section 20.

Whenever the Court has reasonable cause to believe that a person is likely to evade the payment of a fine, the Court may order such person to furnish security for payment of such fine and, until such security is forthcoming, order the immediate arrest and detention of such person.

Section 21.

Whenever an offence is punishable with fine only and the offender voluntarily pays before trial the maximum fine prescribed for such offence, the right of prosecution ceases.

Section 22.

All persons sentenced for the same offence shall be jointly and severally liable for the fine inflicted.

The joint and several liability applies only to the payment of fine and does not extend to imprisonment in lieu thereof.

Section 23.

Whenever this Code provides that the punishment shall be imprisonment and fine, the Court may, if it thinks fit, sentence the offender to imprisonment only.

Section 24.

The punishment of restriction of residence entails, at the discretion of the Court, either

- (1) the prohibition to appear in such places or districts as shall be specified in the judgment, or
- (2) the compulsory residence in such places or districts as shall be specified by the administrative authorities.

Section 25.

The punishment of restriction of residence may be awarded in addition to any other punishment. The period of such restriction shall be stated in the judgment and shall in no case exceed seven years.

Section 26.

Any property adjudged by a Court to be forfeited shall belong to the State.

Section 27.

In addition to the specific cases specially provided for under the provisions of Book II. of this Code, the Court may order to be forfeited:—

(1) any property used or intended to be used for the commission of an offence;

(2) any property acquired through an offence;

provided that such property belongs to a person concerned in the offence either as a principal or as an accessory.

Section 28.

Property the manufacture, use, possession, sale or exposure for sale of which is an offence shall be forfeited whether it does or does not belong to the offender, and without regard to the conviction or non-conviction of any particular person.

Section 29.

Whenever the property forfeited is not delivered to the Court, the Court may order the amount at which it values such property to be levied by distress or to be commuted to imprisonment in the manner described in sections 18, 19 and 20, provided that the imprisonment in lieu of payment shall not exceed six months.

Section 30.

Whenever any person utters threats against any other person, or the Court has reason to believe that any person is likely to commit a breach of the peace, the Court may order such person to execute a bond, in a sum not exceeding five hundred ticals, with or without security, for keeping the peace during such period not exceeding two years as the Court thinks fit.

The foregoing provision shall apply to any vagrant who has no visible means of subsistence and who cannot give a satisfactory account of himself.

Section 31.

Whenever any person bound according to the preceding section does not furnish the security required, the Court may order the imprisonment of such person until the security required is forthcoming, provided that the period of such imprisonment shall not exceed six months.

Section 32.

Except when provided otherwise by the judgment, the period of detention undergone previous to the day of the judgment shall be deducted from the period of imprisonment.

Section 33.

In calculating the period of imprisonment, a day begun shall count for a whole day, and a month shall count for thirty days.

Liberation shall take place on the day following that on which the period of imprisonment terminates.

Section 34.

The provisions of this Code relative to the increase and reduction of punishments do not apply to forfeiture of property.

Section 35.

The penalty of death or of imprisonment for life shall not be inflicted by increasing any other punishment.

Section 36.

Any period of imprisonment when increased under the provisions of this Code shall not exceed twenty years.

Section 37.

If the punishment to be reduced be death, such punishment shall be reduced in the manner following, that is to say:—

- (1). In case the reduction be one third, the punishment shall be reduced to imprisonment for life, or for a period of sixteen to twenty years.
- (2). In case the reduction be one half, the punishment shall be reduced to imprisonment for life or for a period of twelve to twenty years.

Section 38.

If the punishment to be reduced be imprisonment for life, such punishment shall be reduced in the manner following, that is to say:—

- (1). In case the reduction be one third, the punishment shall be reduced to imprisonment for a period of twelve to sixteen years.
- (2). In case the reduction be one half, the punishment shall be reduced to imprisonment for a period of nine to twelve years.

Section 39.

Whenever any punishment is to be increased and reduced under different provisions of this Code, an increase and a reduction of the same degree neutralize and annul each other.

If the increase and the reduction are not of the same degree, the Court shall first increase the punishment and afterwards reduce it.

Section 40.

Whenever the minimum punishment as reduced under this Code is imprisonment of one month or less and fine, the Court may inflict any less period of imprisonment than the minimum, with or without fine, or may inflict fine only.

Section 41.

Whenever any offender is sentenced to imprisonment for one year or less, and such offender has not been previously convicted, the Court may, if it thinks fit, order by its judgment the execution of the imprisonment to be conditionally suspended.

Section 42.

Whenever the execution of a judgment has been suspended under section 41 and the offender does not commit within five years any other offence defined in Book II. Titles I. to IX., for which he is sentenced to imprisonment by a final judgment, the conditionally suspended sentence becomes null and void.

If the offender commits within five years any such subsequent offence for which he is sentenced to imprisonment by a final judgment, the conditionally suspended sentence shall be executed forthwith, without prejudice to the punishment awarded for the subsequent offence and to the increased punishment for recidive, that is to say, the offender shall successively undergo both terms of imprisonment, and the Court in awarding punishment for the second offence shall apply the rules concerning recidive.

CHAPTER 4.

CAUSES WHICH EXCLUDE OR LESSEN
THE LIABILITY TO PUNISHMENT.

Section 43.

A person shall only be punished for an act done intentionally, except where an act done by negligence is specifically made punishable by law.

A person is said to do an act intentionally if such person desired the doing of that act and at the same time desired or could foresee the effect of such doing.

A person is said to do an act by negligence if such person does that act unintentionally but under any of the following circumstances, that is to say :—

- (a) By omission of such care as might be expected from a person of ordinary prudence.
- (b) By omission of such skill in a profession as might be expected from a person exercising such profession.
- (c) In disobedience to any law, bye-law or lawful order.

Section 44.

Whoever intending to commit an offence commits such offence by mistake or accident against a person other than the person whom he intended to injure or could foresee he would injure, shall be liable to the punishment provided for the offence he knew, or he could foresee, he would commit.

Section 45.

The fact that an offender is ignorant of the law is in no case an excuse for his offence.

Section 46.

A person shall not be punished for any act done by him if at the time it is done he is prevented either by defective mental power or by any disease affecting his mind from appreciating the nature or illegality of his act, or from controlling his own conduct.

The Court may, if it thinks liberation dangerous for the public security, order such person to be put at the disposal of the Government for his detention in a lunatic asylum or other suitable place of safe custody.

Section 47.

Whenever a person, at the time of committing any offence, by reason of defective mental power or of any disease affecting his mind, is only partially able to control his conduct or to appreciate the nature or illegality of his act, the punishment provided for such offence shall be reduced at the discretion of the Court.

Section 48.

Intoxication does not come under the provisions of sections 46 and 47, unless such intoxication is caused without the knowledge or against the will of the offender.

Section 49.

Except for offences against the King and State defined in sections 97 to 111, a person shall not be punished for any act done in the case of necessity, which exists:—

- (1) when such person is under the influence of a force such that he cannot avoid or resist, or

- (2) when such person acts in good faith in order to avoid the infliction upon himself or any other person of a serious, imminent and irreparable evil which could not be otherwise avoided and which the person doing such act does not himself voluntarily cause to exist,

provided that no more is done than is reasonably necessary under the circumstances.

Section. 50.

A person shall not be punished who commits any act reasonably required for the necessary defence of the life, honour or property of himself or of any other person against unlawful violence.

Section 51.

The right of lawful defence does not exist against any official acting in good faith and under colour of his office.

Section 52.

A person shall not be punished for any act done in the case of carrying out a lawful command. A lawful command exists :—

- (1) where the act is done in accordance with any law in force, or
- (2) where the act is prescribed by any civil or military official whom such person is bound to obey, or believes in good faith he is bound to obey notwithstanding such order be unlawful, provided that the person doing the act believes in good faith and on reasonable grounds that the order is lawful.

Section 53.

Whenever under any of the exceptions contained in sections 49 to 52 the act committed is in excess of what is necessary or permitted by law, the punishment provided for the offence may be reduced at the discretion of the Court.

Section 54.

Whoever commits any offence relating to property defined in sections 288 to 296, 304 to 321, 324 to 329 and 340 against any of his relations in the direct ascending or descending line shall be liable to the punishment prescribed for such offence reduced by one half.

If such offence be committed by a husband against his wife or by a wife against her husband, no punishment shall be inflicted.

Section 55.

Whenever a person commits any offence on grave, unjust and sudden provocation, the punishment provided for such offence shall be reduced by one half.

Section 56.

A child under the age of seven years shall not be punished for committing any offence.

Section 57.

Whenever a child ^{18/11/1956} over the age of seven years and under fourteen years commits any offence, the Court may either :—

- (1) order such child to be discharged after due admonition, if necessary, or
- (2) hand over the child to his parents or guardians and order the parents or guardians to enter into a bond in a sum not exceeding one hundred ticals, with or without security, for the good behaviour of the child during a period not exceeding three years, or
- (3) direct such child to be kept in a Reformatory School for a definite period of time not exceeding the eighteenth year of age of such child.

Section 58.

Whenever a child over fourteen years of age and under sixteen commits any offence, the Court shall ascertain whether such child had attained sufficient maturity of understanding to judge of the nature and illegality of his conduct.

If the child had not attained such sufficient maturity of understanding, the Court shall apply the provisions of section 57 for children over seven years of age.

If the child had attained such sufficient maturity of understanding, the punishment provided for such offence shall be reduced by one half, or the Court may direct the child to be kept in a Reformatory School in accordance with section 57 sub-section 3.

Section 59.

Whenever there exist in favour of an offender any extenuating circumstances, the punishment provided for the offence may be reduced by not more than one half, whether already increased or reduced under any other provisions of this Code.

Extenuating circumstances may include weakness of mind, previous good conduct, the efforts made by the offender to minimise the injurious consequences of the offence, his

voluntary surrender before the discovery of the offence, the information he may have given about the circumstances of the offence, or any other circumstance which the Court may consider to be an extenuation of the criminal liability of the offender.

CHAPTER 5.

ATTEMPT.

Section 60.

Whoever attempts to commit an offence but owing to circumstances over which he has no control, is prevented from the commission of such offence, shall be liable to the punishment provided for such offence reduced by one third.

Section 61.

Whoever attempting to commit an offence spontaneously desists from further carrying into effect the contemplated offence, shall only be liable for the act actually done.

Section 62.

A person shall not be punished for attempting to commit any petty offence.

CHAPTER 6.

PARTICIPATION IN THE COMMISSION OF AN
OFFENCE.

Section 63.

Whenever any offence is committed by two or more persons every person directly taking part in the commission of any of the acts which constitute such offence is said to be a principal,

and shall be liable to the punishment prescribed for such offence in the same manner as if he had committed the offence alone.

Section 64.

Whoever by gift, promise, violence, threat, abuse of authority or otherwise, causes or instigates another person to commit any offence shall be liable, as principal, to the punishment provided for such offence.

Section 65.

Whoever commits any of the acts hereafter specified, that is to say :—

- (1) who procures the opportunity, provides the means, or gives any information which may assist in the commission of the offence ;
- (2) who by any acts done prior to, or at the time of the offence, facilitates the commission of such offence ;

is said to be an accessory to such offence, and shall be liable to the punishment provided for such offence reduced by one third.

Section 66.

Whenever any offence is committed by means of the publication of any book, periodical work or other writing, the person having caused such publication to be made shall be liable as principal to the punishment provided for such offence.

If the person having caused the publication to be made cannot be brought in Court, the publisher or printer shall be liable as principal to the punishment provided for such offence.

Section 67.

Any person selling or distributing any book, periodical work or other writing by the publication of which any offence

is committed shall be liable to punishment as an accessory, provided that such person knew that an offence was committed by the publication of such book, periodical work or other writing.

Section 68.

Any circumstances relating to the person of an offender, which exclude, lessen or aggravate the liability to punishment shall only apply to such principal or accessory whom they personally concern.

Any circumstances relating to the nature of the offence which exclude, lessen or aggravate the liability to punishment shall apply to any person concerned in the offence, whether principal or accessory.

Section 69.

An accessory to any petty offence shall not be punished.

CHAPTER 7.

CONCURRENCE OF OFFENCES.

Section 70.

Whoever by one and the same act violates several provisions of the law, shall be punished under the provision prescribing the severest punishment.

Section 71.

Whoever by one and the same judgment is found guilty of several distinct offences shall be liable to the punishment

prescribed for each offence, provided that the aggregate term of imprisonment, unless it be imprisonment for life, shall not exceed twenty years, and the aggregate term of imprisonment in lieu of fine shall not exceed two years.

CHAPTER 8.
RECIDIVE.

Section 72.

Whoever having been convicted of a prior offence commits a subsequent offence before a specified time has elapsed from the date of the completion or remission of the punishment inflicted for such prior offence, is said to commit recidive. ๗๕๖๓๓.

Whoever is found guilty of recidive within five years shall be liable to the punishment prescribed for the second offence increased by one third.

Section 73.

Whoever is found guilty of recidive within three years, both the prior and subsequent offence falling under the same heading of the following list:—

- (1) offences against the King and the State;
- (2) offences against officials;
- (3) malfeasance in office;
- (4) offences relating to public justice;
- (5) secret societies, criminal associations and riots;
- (6) offences against public security and public communications;
- (7) offences against public health;
- (8) false money, false seals, stamps and tickets; false documents;
- (9) offences against morality;
- (10) offences against life and body;

(11) offences against liberty and reputation ;

(12) offences against property ;

shall be liable to the punishment prescribed for the subsequent offence increased by one half, provided that the punishment inflicted for the prior offence was imprisonment for a period of not less than six months.

Section 74.

Whoever has been found guilty twice of any offence against life and body, or of any offence of theft, snatching, robbery, gang-robbery, piracy, extortion, cheating and fraud, criminal misappropriation or receiving stolen property described in sections 249 to 259, and sections 288 to 323, and within five years commits any offence under any of the same sections, shall be liable to double the punishment prescribed for the subsequent offence, provided that the punishment inflicted for each prior offence was imprisonment for a period of not less than six months.

Section 75.

The provisions relating to recidive in sections 72, 73 and 74 shall not apply to :—

(1). Any petty offence.

(2). Any offence committed by negligence.

Section 76.

Whoever is found guilty of recidive within one year, the prior and subsequent offence coming both under the same sub-section of sections 334 to 340 shall be liable to double the punishment prescribed for the subsequent offence.

CHAPTER 9.
EXTINCTION OF THE RIGHT TO PROSECUTE
OR EXECUTE A PUNISHMENT.

Section 77.

The right to prosecute any person for an offence or to execute punishment against any person shall be extinguished by the death of such person.

Section 78.

Prosecution of an offence shall be precluded by prescription :—

- (1). After twenty years in the case of offences punishable with death, or imprisonment for life.
- (2). After fifteen years in the case of offences punishable with imprisonment exceeding seven years and not exceeding twenty years.
- (3). After five years in the case of offences punishable with imprisonment exceeding one month and not exceeding seven years.
- (4). After one year in the case of all other offences.

Section 79.

The prescription of prosecution shall be interrupted by any proceeding instituted before a Court, or the issue of any summons or warrant against the accused in respect of the offence charged.

Section 80.

The right to prosecute a person having committed a compoundable offence shall be extinguished if the person entitled to prosecute does not make a complaint within three

months from the day when the offence and the person who committed it became known to him.

Section 81.

The lawful withdrawal of a complaint regarding any compoundable offence or the lawful composition of such offence shall extinguish the right of prosecution.

Section 82.

The execution of punishment shall be precluded by prescription :—

- (1). After twenty years in the case of a sentence to death or to imprisonment for life.
- (2). After fifteen years in the case of a sentence to imprisonment exceeding seven years, and not exceeding twenty years.
- (3). After five years in the case of a sentence to any other punishment.

Section 83.

The prescription of the right to execute punishment shall be computed from the day when the sentence inflicting such punishment became final or when the execution of such punishment ceased.

The prescription shall not run during the time the execution of the sentence is suspended according to law.

Section 84.

The prescription of the execution of punishment shall be interrupted :—

- (1). By the arrest of the convicted person.
- (2). By an order of any competent official directing the execution of the punishment.

Section 85.

Whenever the prescription of the right to prosecute or to execute punishment has been interrupted, a fresh period of prescription shall be computed from the day of such interruption.

Section 86.

The prescription of the right to prosecute or to execute punishment shall apply even when the accused or the convicted person does not avail himself of it.

CHAPTER 10.

CLAIM FOR RESTITUTION AND DAMAGES.

Section 87.

Whenever any offence has been committed, two separate actions may be brought regarding the offence, that is to say :—

- (1) a criminal prosecution for awarding the punishment provided by the Penal Law for such offence, and
- (2) a civil claim for making good any injury caused by the offence to any person.

The civil claim accrues to the injured person. It includes the restitution of the property which the injured person has been wrongfully deprived of by the offence, or its value, and damages for any other injury resulting from the offence.

Section 88.

The criminal prosecution does not bar the right of the injured person to bring a civil claim.

Section 89.

The civil claim may be brought either in the Criminal Court where the case is tried or in the competent Civil Court.

Section 90.

In giving judgment concerning the civil claim, the Court shall be bound by the facts as found by the judgment in the criminal action, if any.

Section 91.

Judgment in the civil claim shall be given in accordance with the provisions of law concerning civil liability, without regard to the conviction or non-conviction of the accused.

The valuation of the property which is ordered to be returned to the claimant, and the amount of damages shall be fixed according to the actual value of such property and to the injury actually suffered, provided that such valuation or amount is not in excess of the claim.

Section 92.

Execution of judgment granting restitution or damages shall be carried out in the same way as the levying of a fine, according to sections 18, 19 and 20.

Section 93.

Except when provided otherwise by the judgment, all persons sentenced for the same offence are jointly and severally liable for restitution and damages.

Such joint and several liability applies only to the payment of damages or restitution, and does not extend to imprisonment in lieu thereof.

Section 94.

In case of costs, fine, restitution and damages being levied by distress concurrently and the property being not sufficient to satisfy all three, the proceeds shall be applied as follows:—

- (1). To the payment of costs.
- (2). To the payment of restitution and damages due to the injured person.
- (3). To the payment of fine.

Section 95.

Even when the injured party does not bring a civil claim, the Court may, in giving judgment in the criminal action order any property or the value thereof to be restored to the lawful owner.

Section 96.

The right to bring a civil claim in connection with an offence shall be precluded by prescription according to sections 78 to 81, 85 and 86 in like manner as the right to prosecute the offender.

B O O K II.
S P E C I F I C O F F E N C E S.

T I T L E I.

O F F E N C E S A G A I N S T T H E K I N G A N D T H E S T A T E.

C H A P T E R 1.

O F F E N C E S A G A I N S T T H E R O Y A L F A M I L Y.

S e c t i o n 97.

Whoever commits any act of violence against the King, the Queen, the Crown Prince, or the Regent during the Regency, shall be punished with death.

The same punishment shall be inflicted on any person who makes preparations for, or conspires for the commission of, or attempts to commit, or is an accessory to or assists in keeping secret any intention or conspiracy to commit such offence.

S e c t i o n 98.

Whoever threatens, insults or defames the King, the Queen, the Crown Prince, or the Regent during the Regency, shall be punished with imprisonment not exceeding seven years and fine not exceeding five thousand ticals.

S e c t i o n 99.

Whoever commits any act of violence against any member of the Royal Family being the son or daughter of a Sovereign shall be liable to the punishment provided for such offence increased by one third.

The minimum punishment shall be imprisonment for one year.

If the offence committed be murder or attempt to murder, the punishment shall be death.

Section 100.

Whoever threatens, insults or defames any member of the Royal Family being the son or daughter of a Sovereign shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

CHAPTER 2.

OFFENCES AGAINST THE INTERNAL
SECURITY OF THE STATE.

Section 101.

Whoever commits any act of violence for the purpose of overthrowing the Government, or of changing the political constitution of the State, or of seizing any part of the country, is said to commit insurrection, and shall be punished with death or imprisonment for life.

Section 102.

Whoever collects forces or arms, or otherwise makes preparations or conspires for the commission of insurrection or instigates the inhabitants of the country to commit insurrection, or assists in keeping secret any intention of conspiracy to commit such offence, shall be punished with imprisonment of three to fifteen years and fine of five hundred to five thousand ticals.

If insurrection be actually committed, he shall be punished in the same manner as a person committing insurrection under section 101.

Section 103.

Whoever instigates any person serving in His Majesty's Army or Navy to desert, or to commit mutiny, or not to execute his duty, shall be punished with imprisonment not exceeding five years and fine not exceeding one thousand ticals.

Section 104.

Whoever publicly commits any act expressly intended :—

- (1) to bring into hatred or contempt the Sovereign, the Government or the administration of the State, or
 - (2) to raise discontent and disaffection amongst the people, in a manner likely to cause disturbance, or
 - (3) to instigate people to transgress the laws of the country,
- shall be punished with imprisonment not exceeding three years and fine not exceeding one thousand ticals.

CHAPTER 3.

OFFENCES AGAINST THE EXTERNAL
SECURITY OF THE STATE.

Section 105.

Whoever enters into communication with any foreign Government or with the agent of any foreign Government, with intent to subject the country or part of the country to the dominion of any foreign Government, or commits any other act to the same effect, shall be punished with imprisonment for life or for a period of five to twenty years.

If such foreign Government has at such time or afterwards committed any hostile act or declared war against the country, the offender shall be punished with death or imprisonment for life.

Section 106.

Whoever by any unlawful means obtains knowledge or communication of any information, plan or document, which it is necessary to keep secret for the security of the State, shall be punished with imprisonment not exceeding three years and fine not exceeding one thousand ticals.

Whoever unlawfully takes a design, sketch or plan of any fortification, man-of-war, or military works, or clandestinely enters upon forbidden military works, shall be liable to the same punishment.

Section 107.

Whoever wrongfully communicates to any foreign Government or to any person any information, plan or document

which it is necessary to keep secret for the security of the country, shall be punished with imprisonment of one to seven years and fine of two hundred to two thousand ticals.

If such person obtained such information, plan or document as provided in section 106 or by reason of his functions as an official, he shall be punished with imprisonment of five to fifteen years and fine of five hundred to five thousand ticals.

Section 108.

Whoever wilfully does any act likely to endanger the external security of the State shall be punished with imprisonment of one to fifteen years and fine of one hundred to five thousand ticals.

Section 109.

Whoever being a Siamese subject bears arms against the country or takes service in the army of an enemy shall be sentenced to death, or imprisonment for life, or for a period of ten to twenty years and fine of two hundred to two thousand ticals.

Section 110.

Whoever assists the operations of an enemy against the country shall be punished with imprisonment of five to fifteen years and fine of five hundred to five thousand ticals.

If such assistance be rendered :—

- (1) by destroying, rendering useless or bringing into the power of an enemy any fortified place, means of communication, man-of-war, store of arms, ammunitions, food or any other property used by the State for the purposes of war ;
- (2) by instigating any person serving in His Majesty's Army or Navy to desert, or to commit mutiny, or not to execute his duty ;
- (3) by acting as a spy or guide for an enemy or otherwise by procuring for an enemy any information, plan or document ;

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the punishment shall be death or imprisonment for life and fine of five hundred to five thousand ticals.

Section 111.

Whoever makes any preparation for the purpose of committing, or conspires or attempts to commit any of the offences mentioned in this chapter shall be liable to the punishment provided for the offence itself.

CHAPTER 4.

OFFENCES AGAINST THE FRIENDLY
RELATIONS WITH FOREIGN STATES.

Section 112.

Whoever commits any act of violence against the Sovereign of a friendly state or his Consort or Heir-apparent, or against the President or other Head of a friendly state shall be liable to the punishment prescribed for such offence, increased by one third.

The minimum punishment shall be imprisonment for three years.

If the offence committed be murder or attempt to murder the punishment shall be death.

Section 113.

Whoever threatens, insults or defames the Sovereign of a friendly state or his Consort or Heir-apparent, or the President or other Head of a friendly state shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

Section 114.

Whoever commits any offence against the Representative of a foreign state accredited to the Government shall be liable to the punishment prescribed for the commission of such offence against an official.

Section 115.

Whoever publicly pulls down, destroys, or does any act to injure the flag or any emblem of a foreign state, with the intent to deride such state, shall be punished with imprisonment not exceeding six months and fine not exceeding five hundred ticals.

TITLE II.

OFFENCES RELATING TO PUBLIC
ADMINISTRATION.

CHAPTER 1.

OFFENCES AGAINST OFFICIALS.

Section 116.

Whoever insults any official in the lawful exercise of his functions or by reason of the lawful exercise of his functions shall be punished with imprisonment not exceeding six months or fine not exceeding two hundred ticals, or both.

Section 117.

Whoever being required by any order or requisition made in accordance with law omits without justifiable cause or excuse to assist any official in the lawful exercise of his functions, shall be punished with imprisonment not exceeding three months or fine not exceeding one hundred ticals, or both.

Section 118.

Whoever gives to any official any information which he knows to be false, and likely to cause injury to any person or to the public, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 119.

Whoever resists or obstructs any official in the lawful exercise of his functions shall be punished with imprisonment not exceeding six months or fine not exceeding two hundred ticals, or both.

Section 120.

Whoever commits or threatens to commit any violence in order to resist or obstruct any official in the lawful exercise of his functions or any person lawfully required to assist such official, or in order to compel any official to do or not to do any act connected with the lawful exercise of his functions, shall be punished with imprisonment not exceeding two years and fine of fifty to five hundred ticals.

If the offence be committed by a person carrying any arms or by an assembly of five or more persons the punishment shall be imprisonment of three months to five years and fine of fifty to five hundred ticals.

Section 121.

Whoever unlawfully breaks, removes or otherwise makes ineffectual any official seal lawfully affixed by any official to any document or other property, shall be punished with imprisonment not exceeding two years and fine not exceeding five hundred ticals.

Section 122.

Whoever damages, destroys, conceals or makes away with any attached property, books or documents, or any property, books or documents the production of which is required by any official, shall be punished with imprisonment not exceeding one year and fine not exceeding five hundred ticals, provided that such offence does not amount to theft, robbery, criminal misappropriation or mischief.

Section 123.

Whoever professing to have any personal influence with any official accepts any gift or the promise of any gift for himself or for any other person as a motive or a reward for exercising his influence in order to procure any advantage or disadvantage to any person by the exercise or non-exercise of any of the functions of any official, shall be punished with imprisonment not exceeding two years and fine not exceeding one thousand ticals.

Section 124.

Whoever accepts any gift or the promise of any gift in consideration of giving any bribe to any official, or of causing any official wrongfully to exercise or not to exercise his functions, shall be punished with imprisonment of three months to five years and fine of one hundred to two thousand ticals.

Section 125.

Whoever offers any bribe or the promise of any bribe to any official with intent to induce such official to do or not to do any act of his functions, shall be punished with imprisonment not exceeding one year and fine which may extend to one thousand ticals or to double the value of the bribe.

If the bribe be offered to an official vested with judicial functions, and be intended to influence any opinion, order or judgment to be given by such official in such capacity, the punishment shall be imprisonment of six months to three years and fine which may extend from fifty ticals to one thousand ticals or to double the value of the bribe.

Section 126.

If the offer mentioned in the preceding section be accepted, the provisions of sections 138 or 139 shall apply to both the person who offered the bribe and the official who accepted or agreed to accept the bribe.

Section 127.

Whoever unlawfully exercises the functions of any official by falsely pretending to be invested with such functions shall be punished with imprisonment not exceeding one year and fine not exceeding five hundred ticals.

Any official who has been duly ordered to discontinue further exercise of his functions, and continues to exercise such functions, shall be liable to the same punishment.

Section 128.

Whoever in public wrongfully wears any official garb or other insignia of an official, or uses any official title, rank or

decoration intending that it may be believed that he has a right to such garb, insignia, distinction, rank or decoration, shall be punished with imprisonment not exceeding one year or fine not exceeding five hundred ticals, or both.

CHAPTER 2.

MALFEASANCE IN OFFICE.

Section 129.

Whoever being an official entrusted in his official capacity with the administration or custody of any document or property wrongfully destroys or damages such document or property or knowingly allows the same to be destroyed or damaged, shall be punished with imprisonment of one month to five years and fine of fifty to one thousand ticals.

Section 130.

Whoever being an official entrusted in his official capacity with the custody of any document or property to which an official seal has been lawfully affixed, wrongfully breaks, removes or otherwise makes ineffectual such seal or knowingly allows such seal to be broken, removed or otherwise made ineffectual, shall be punished with imprisonment of one month to five years and fine of fifty to one thousand ticals.

Section 131.

Whoever being an official entrusted in his official capacity with the purchase, manufacture, administration or custody of any property, wrongfully appropriates such property or knowingly allows the same to be misappropriated, shall be punished with imprisonment of three months to seven years and fine of one hundred to one thousand ticals.

Section 132.

Whoever being an official entrusted in his official capacity with the purchase, manufacture, administration or custody of

any property exercises his functions in order to procure for himself or any other person any undue advantage to the injury of the State or of the owner of such property, shall be punished with imprisonment of three months to seven years and fine of one hundred to two thousand ticals.

Section 133.

Whoever being an official takes either directly or indirectly any pecuniary interest in any matter the management or superintendence of which has been entrusted to him in his official capacity, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 134.

Whoever being an official entrusted in his official capacity with the disbursement of money of the State or of any Public Institution pays out a larger amount than is actually due in order to procure for himself or for any other person any undue advantage, shall be punished with imprisonment of three months to seven years and fine of one hundred to two thousand ticals.

Section 135.

Whoever being an official entrusted or pretending to be entrusted in his official capacity with the collection of taxes, duties or other payments to the State or to any Public Institution, collects any money or property which is not due or in excess of what is due, without accounting to the State or to the Public Institution for such money or property, shall be punished with imprisonment of three months to seven years and fine of one hundred to two thousand ticals.

Section 136.

Whoever being an official, by a wrongful exercise of his functions, compels any person to deliver or to procure to himself or to any other person any property or other undue advantage, shall be punished with imprisonment of three months to seven years and fine of one hundred to three thousand ticals.

Section 137.

Whoever being an official demands, accepts or agrees to accept, for himself or for any other person any property or other undue advantage as a motive or reward for showing or forbearing to show favour or disfavour to any person in the exercise of his official functions, shall be punished with imprisonment not exceeding two years and fine not exceeding one thousand ticals.

Section 138.

Whoever being an official demands, accepts or agrees to accept for himself or for any other person any bribe for exercising or omitting to exercise any of his functions, provided that such exercise or non-exercise of his functions be not wrongful, shall be punished with imprisonment not exceeding two years and fine which may extend to one thousand ticals or to double the value of the bribe.

If such exercise or non-exercise of his functions be wrongful, the punishment shall be imprisonment of three months to five years and fine which may extend from one hundred to two thousand ticals, or to double the value of the bribe.

If such wrongful exercise or non-exercise of his functions be not committed, the punishment shall be reduced by one half.

Section 139.

Whoever being an official vested with judicial functions demands, accepts or agrees to accept for himself or for any other person any bribe intended to influence any opinion, order or judgment to be given by him in his official capacity, shall be punished with imprisonment of two to ten years and fine which may extend from one hundred to five thousand ticals, or to double the value of the bribe.

Section 140.

Whenever a bribe is demanded or accepted or agreed to be accepted by a person who expects to become an official and who, on being appointed to office, exercises his functions in

consideration of such bribe, such person shall be liable to the punishment prescribed for an official demanding or accepting a bribe.

Section 141.

Whenever a bribe has been given, such bribe or the value of such bribe shall be forfeited.

Section 142.

Whoever being an official entrusted in his official capacity with the discovery, investigation or prosecution of offences, wrongfully exercises or omits to exercise his functions with intent to save a person from legal punishment, shall be punished with imprisonment of three months to five years and fine of fifty to one thousand ticals.

If such official wrongfully exercises or omits to exercise his functions with intent to subject a person to any punishment not due or in excess of what is lawful, the punishment shall be imprisonment of six months to seven years and fine of one hundred to two thousand ticals.

Section 143.

Whoever being an official employed in the Post or Telegraph Department wrongfully breaks open or destroys or makes away with any letter, telegram or other mail matter, or delivers such letter, telegram or mail matter to any person to whom he knows it not to be addressed, or discloses the contents of such letter, telegram or mail matter, shall be punished with imprisonment of one month to six months and fine of ten to one hundred ticals.

If injury be caused to any person, the punishment shall be imprisonment of three months to five years and fine of fifty to one thousand ticals.

Section 144.

Whoever being an official and by reason of his functions possessed of any secret relating to the business of the State,

wrongfully discloses such secret, shall be punished with imprisonment not exceeding one year and fine not exceeding one thousand ticals.

Section 145.

Whoever being an official wrongfully exercises or omits to exercise his functions with intent to cause injury to any person, provided that such act is not otherwise declared to be an offence by law, shall be punished with imprisonment not exceeding two years and fine not exceeding one thousand ticals.

Section 146.

Whoever being an official invested with the duty of executing any law, or regulation, or judgment or order of any superior officer prevents or obstructs the execution of such law, regulation, judgment or order, shall be punished with imprisonment not exceeding six months and fine not exceeding five hundred ticals.

TITLE III.

OFFENCES RELATING TO PUBLIC JUSTICE.

CHAPTER 1.

OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE.

Section 147.

Whoever being lawfully required to appear as witness or expert in any judicial proceeding fails to appear without reasonable excuse, shall be punished with imprisonment not exceeding six months or fine not exceeding one hundred ticals, or both.

Section 148.

Whoever being lawfully required in any judicial proceeding to take an oath or make an affirmation, or to make a statement as to any matter, or to sign such statement, refuses to comply with such requisition, shall be punished with imprisonment not exceeding six months or fine not exceeding one hundred ticals, or both.

Section 149.

Whoever being lawfully required in any judicial proceeding to produce any document or other property or to cause such document or property to be produced, fails to comply with such requisition, shall be punished with imprisonment not exceeding six months or fine not exceeding one hundred ticals, or both.

Section 150.

Whoever after having produced in any judicial proceeding any document or other property, damages, destroys, conceals or makes away with such document or property, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 151.

Whoever offers any insult to a Court sitting in any judicial proceeding, or obstructs the sitting of such Court, shall be punished with imprisonment not exceeding two years and fine not exceeding one thousand ticals.

Section 152.

Whoever by any violence or by any threat, gift, or promise obstructs or hinders any public auction ordered by a Court shall be punished with imprisonment not exceeding three months or fine not exceeding one hundred ticals, or both.

If the auction be conducted by an official, the provisions of section 120 shall be applied.

Section 153.

Whoever wrongfully takes any judicial proceeding in the name of a fictitious person, or in the name of a real person, but without his authority or consent, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 154.

Whoever with intent to cause any person to escape legal punishment, either

- (1) causes any evidence of the commission of any offence to disappear, or
- (2) gives any information respecting any offence which he knows to be false, or
- (3) harbours or conceals the offender or accused, or
- (4) otherwise assists such offender or accused in evading arrest,

shall be punished with imprisonment of one month to three years and fine of twenty to two hundred ticals.

If the offence charged be punishable with death or imprisonment of fifteen years or upwards, the punishment shall be imprisonment of three months to five years and fine of fifty to five hundred ticals.

Whenever the offence defined in this section, sub-sections 3 and 4, is committed by the husband or wife of the offender or accused, no punishment shall be inflicted.

CHAPTER 2.

FALSE CHARGE AND FALSE EVIDENCE.

Section 155.

Whoever having duly taken an oath or made an affirmation makes in any judicial proceeding a statement which he knows

to be false on any point material to the case, is said to give false evidence, and shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 156.

Whoever gives false evidence in a criminal proceeding shall be punished with imprisonment of three months to five years and fine of one hundred to one thousand ticals.

Section 157.

Whoever causes any circumstance to exist or makes any false entry or statement in any book or document knowing that such circumstance, entry or statement may be produced in any judicial proceeding, as evidence on any point material to the case, is said to fabricate false evidence.

Whoever produces any fabricated evidence in any judicial proceeding shall be liable to the punishment prescribed by sections 155 or 156 as the case may be.

Section 158.

Whoever by a complaint or information charges any person with the commission of an offence, knowing such charge to be false, shall be punished with imprisonment of one month to two years and fine of twenty to five hundred ticals.

If the charge relate to an offence punishable with death or with imprisonment of fifteen years or upwards the punishment shall be imprisonment of three months to three years and fine of fifty to one thousand ticals.

Section 159.

Whoever by a complaint or information gives notice of an offence which he knows not to have been committed, or fabricates any false evidence in connection with such pretended offence, shall be punished with imprisonment not exceeding one year and fine not exceeding five hundred ticals.

Section 160.

Whenever in consequence of any false evidence or any false charge defined in sections 156, 157, 158 and 159 an innocent person be convicted of a petty offence or of any other offence punishable with imprisonment not exceeding three months, or with fine only, the person who gave or fabricated such false evidence or made such false charge shall be punished with imprisonment of one to five years and fine of one hundred to one thousand ticals.

If the innocent person be convicted of any other offence, the punishment shall be imprisonment of two to ten years and fine of one hundred to one thousand ticals.

If the innocent person be sentenced to death and executed the punishment shall be imprisonment of ten to twenty years and fine of one hundred to two thousand ticals.

Section 161.

Whoever making a false charge withdraws the same before any proceedings are taken against the person charged shall be punished with imprisonment not exceeding three months and fine not exceeding one hundred ticals.

Section 162.

Whoever giving false evidence withdraws the same and declares the truth before the conclusion of his evidence shall not be punished for such offence.

If in the presence of the official who received the false evidence such statement be withdrawn and the truth declared before any judgment be given and before any charge for false evidence be entered, the punishment prescribed for false evidence shall be reduced by one-half.

CHAPTER 3.

ESCAPE OF PRISONERS.

Section 163.

Whoever being in lawful custody escapes from such custody shall be punished with imprisonment not exceeding six months or fine not exceeding one hundred ticals, or both.

Section 164.

Whoever being in lawful custody escapes by breaking gaol or committing or threatening to commit any violence shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 165.

Whoever rescues any person in lawful custody from such custody or facilitates his escape shall be punished with imprisonment of one month to two years and fine of twenty to two hundred ticals.

If such person be a prisoner under sentence of death or of imprisonment of fifteen years or upwards, the punishment shall be imprisonment of six months to five years and fine of fifty to five hundred ticals.

Section 166.

Whoever rescues any person in lawful custody or facilitates his escape from such custody by committing or threatening to commit any violence shall be punished with imprisonment of six months to five years and fine of fifty to five hundred ticals.

If such person be a prisoner under sentence of death or of imprisonment of fifteen years or upwards, the punishment shall be imprisonment of one to seven years and fine of one hundred to one thousand ticals.

Section 167.

Whenever a person committing any of the offences defined in sections 165 and 166 is the husband or wife of the rescued person, or brother or sister, or any relation in the direct ascending or descending line, the punishment shall be reduced by one half.

Section 168.

Whoever being an official entrusted in his official capacity with the care of any person in lawful custody facilitates or intentionally allows the escape of such person, shall be punished with imprisonment of one to seven years and fine of one hundred to one thousand ticals.

If such person be a prisoner under sentence of death or of imprisonment of fifteen years or upwards, the punishment shall be imprisonment of two to ten years and fine of two hundred to two thousand ticals.

Section 169.

Whoever being an official having in his functions the care of any person in lawful custody negligently allows such person to escape, shall be punished with imprisonment of one month to two years and fine of twenty to two hundred ticals.

If such person be a prisoner under sentence of death or of imprisonment for fifteen years or more, the punishment shall be imprisonment of three months to three years and fine of fifty to five hundred ticals.

In case the escaped person be retaken within four months the punishment inflicted upon the negligent official shall cease forthwith.

Section 170.

Any person sentenced to restriction of residence who shall move outside the limits of his compulsory residence, or appear in any prohibited place or district, shall be punished with imprisonment not exceeding one year and fine not exceeding five hundred ticals.

Section 171.

In awarding punishment under the provisions of this chapter, the Court shall take into consideration the length of imprisonment or restriction of residence still to be suffered by the offender and the gravity of the offence with which such offender was charged.

 TITLE IV.

 OFFENCES AGAINST RELIGION.

Section 172.

Whoever destroys, damages or defiles any place of worship of any religion or any object held sacred by any class of persons, in a manner likely to insult the religion of any person, shall be punished with imprisonment not exceeding three years and fine not exceeding one thousand ticals.

Section 173.

Whoever causes any disturbance at an assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment not exceeding one year and fine not exceeding two hundred ticals.

 TITLE V.

 OFFENCES AGAINST PUBLIC SAFETY OF PERSONS
 AND PROPERTY.

CHAPTER 1.

 ABETMENT OF OFFENCES NOT COMMITTED.

Section 174.

Whoever by any inducement instigates any person to commit an offence punishable with imprisonment of not less

than one year shall be liable to one fourth of the punishment provided for such offence, with a maximum punishment of imprisonment of three years.

If the offence abetted be actually committed, or attempted to be committed, the abettor shall be liable as a principal in such offence in accordance with the provisions of section 64.

Section 175.

Whoever by any instigation or promise of a gratification addressed to the public endeavours to cause any person to commit an offence punishable with imprisonment of not less than six months shall be liable to one third of the punishment provided for such offence, with a maximum punishment of imprisonment of five years.

If the offence instigated be actually committed or attempted to be committed, the instigator shall be liable as a principal in such offence in accordance with the provisions of section 64.

Section 176.

Whoever offers himself to commit a certain specified offence in consideration of a gratification shall be liable to the punishment prescribed in section 174.

CHAPTER 2.

SECRET SOCIETIES AND CRIMINAL ASSOCIATIONS.

Section 177.

Whoever is a member of an association the proceedings of which are secret and the object of which is unlawful, is said to be a member of a secret society and shall be punished with imprisonment not exceeding three years and fine of fifty to five thousand ticals.

The chiefs, managers or office-bearers of a secret society shall be punished with imprisonment not exceeding five years and fine of one hundred to five thousand ticals.

Section 178.

Whenever five or more persons conspire to commit any offence defined in Book II. Titles II. to IX., of this Code, and punishable with imprisonment exceeding one year, every such person is said to be a member of a criminal association and shall be punished with imprisonment of six months to five years and fine of fifty to five hundred ticals.

If the associated persons make preparations for the purpose of committing gang-robbery, the punishment shall be imprisonment of two to ten years and fine of one hundred to one thousand ticals.

Section 179.

Whoever attends a meeting of a secret society or criminal association is presumed to be a member of such society or association unless he can show that he attended such meeting in ignorance of its nature or object.

Section 180.

Whoever procures for members of a secret society or criminal association any place of meeting, or induces any person to become a member of such society or association, or aids such society or association by contribution of money or in any other way, or assists the members of such criminal association in disposing of property obtained through any offence, shall be liable to the punishment prescribed for being a member of such society or association.

Section 181.

Whenever an offence is committed by a member of a secret society or criminal association in prosecution of the common object of such society or association, every member who was present at the commission of such offence, or who was present at any meeting where the commission of such offence was decided upon, and every chief, manager or office-bearer of such society or association shall be liable to the punishment prescribed for such offence.

Section 182.

Whoever habitually furnishes lodging, or a place of retreat or of meeting to persons whom he knows to have committed offences under Book II. Titles I. to IX., is punishable as an accessory to such offences.

CHAPTER 3.

RIOTS.

Section 183.

Whenever ten or more persons being assembled together commit or threaten to commit any violence or any other breach of the peace, each person taking part in such assembly is said to commit riot and shall be punished with imprisonment not exceeding six months and fine not exceeding one hundred ticals.

If in such assembly one or more armed persons are present, the punishment shall be imprisonment not exceeding two years and fine not exceeding two hundred ticals.

Section 184.

Whenever the persons committing riot are ordered by any competent official to disperse every person who not being armed and not having committed any violence obeys such order shall not be punished under the provisions of the preceding section, but every person refusing to obey shall be punished with imprisonment of one month to three years and fine of fifty to five hundred ticals.

CHAPTER 4.

OFFENCES AGAINST PUBLIC SECURITY, PUBLIC COMMUNICATIONS AND PUBLIC HEALTH.

Section 185.

Whoever sets fire to any property belonging to any other person shall be punished with imprisonment of six months to seven years and fine of fifty to one thousand ticals.

Section 186.

Whoever sets fire to

- (1) any forests or stacked crops or forage,
- (2) any dwelling place,
- (3) any building or vessel used for the manufacture or storage of goods,
- (4) any public building or place of public worship,

shall be punished with imprisonment of two years to ten years and fine of one hundred to five thousand ticals.

Section 187.

Whoever sets fire to his own property shall be liable to the punishment prescribed by sections 185 or 186 if he caused any danger or injury to the life, body or property of any other person.

Section 188.

Whoever causes any explosion likely to injure any person or any property shall be liable, according to the circumstances, to the punishment prescribed by sections 185, 186 or 187.

Section 189.

Whenever the property on which any offence defined in sections 185, 186 or 188 is committed is of little value and there is no danger to the life or body of any person or of fire spreading to other property, the provisions relating to mischief in sections 324, 325 and 326 shall be applied.

Section 190.

Whoever injures any building, structure, machinery, electric conductor or any apparatus used for the protection of persons or property, in a manner likely to cause danger to the life or body of any person, shall be punished with imprisonment of three months to five years and fine of fifty to one thousand ticals.

Section 191.

Whoever injures any public road, bridge, canal or other way used for public traffic, or any embankment, dam, sluice, dock, or other hydraulic work, or any vessel, or any machinery, vehicle or work connected with any railway or tramway, in a manner likely to cause danger to traffic or to the safety of persons or property, shall be punished with imprisonment of three months to five years and fine of fifty to one thousand ticals.

Section 192.

Whoever places any obstacle upon any railway or tramway, or loosens or displaces any rail or injures any signal or does any other act likely to cause an accident, shall be punished with imprisonment of six months to seven years and fine of fifty to one thousand ticals.

If any accident be actually caused, the punishment shall be imprisonment of two to ten years and fine of one hundred to two thousand ticals.

Section 193.

Whoever injures any sea-going vessel or injures any light, buoy, or other signal placed for the safety of navigation, or does any other act likely to cause the stranding or sinking of any sea-going vessel, shall be punished with imprisonment of six months to seven years and fine of fifty to one thousand ticals.

If the stranding or sinking of any sea-going vessel be actually caused, the punishment shall be imprisonment of two to ten years and fine of one hundred to two thousand ticals.

Section 194.

Whenever the injury caused to public communications as described in sections 191, 192 and 193 is insignificant and no danger has been caused to the life or body of any person, the provisions relating to mischief in sections 324, 325 and 326 shall be applied.

Section 195.

Whoever knowingly uses for public conveyance of persons any vessel which is overladen or unfit to perform such service shall be punished with imprisonment not exceeding one year or fine not exceeding two thousand ticals, or both.

Section 196.

Whoever injures any apparatus, wire, cable, vehicle or other thing used for the working of the Post, Telegraph or Telephone Department or for the working of the telegraphic service of the Railway Department or does any other act preventing transmission or delivery of any message by such services, shall be punished with imprisonment of one month to three years and fine of twenty to two hundred ticals.

Section 197.

Whoever with intent to conceal any birth or death secretly buries a corpse or conceals or removes such corpse shall be punished with imprisonment not exceeding one year or fine not exceeding five hundred ticals, or both.

Section 198.

Whoever adulterates any article of food or drink or any drug intended for human consumption or use, and thereby renders it injurious to health, or whoever knowingly sells or exposes for sale such adulterated article, shall be punished with imprisonment not exceeding two years and fine not exceeding five thousand ticals.

Section 199.

Whoever introduces any poisonous substance into the water of any well, tank or reservoir intended for public use shall be punished with imprisonment of six months to seven years and fine of one hundred to two thousand ticals.

Section 200.

Whoever committing any offence defined in this chapter causes grievous bodily harm to or the death of any person shall be punished in the manner following, that is to say :—

- (1). If grievous bodily harm be caused, the punishment shall be imprisonment of two to ten years and fine of two hundred to five thousand ticals.
- (2). If death be caused, the punishment shall be imprisonment of five to twenty years and fine of two hundred to five thousand ticals.

Section 201.

Whoever commits by negligence any offence defined in this chapter shall be punished in the manner following, that is to say :—

- (1). If any loss of property be caused or any danger to the life of any person, the punishment shall be imprisonment not exceeding six months or fine not exceeding one thousand ticals, or both.
- (2). If grievous bodily harm or death be caused, the provisions of sections 252 and 259 for causing death or grievous bodily harm by negligence shall be applied.

CHAPTER 5.

FALSE MONEY.

(COINS, CURRENCY NOTES, BANK-NOTES, BONDS OR CERTIFICATES OF DEBT, COUPONS OR CERTIFICATES OF INTEREST.)

Section 202.

Whoever counterfeits any coin of the State or of a foreign state is said to make false money.

Whoever alters any coin of the State or of a foreign state with intent that such coin be put into circulation for a coin of higher value, or dishonestly reduces the weight of such coin, is said to alter money.

Section 203.

Whoever makes false money, or alters money, or whoever knowingly imports false or altered money, or puts such money into circulation or is found in possession of it for the purpose of putting the same into circulation, shall be punished with imprisonment of three to fifteen years and fine of one hundred to five thousand ticals.

Section 204.

Whoever puts into circulation any money which he knows to be false or altered, but which he did not know to be false or altered at the time when he obtained possession of it, shall be punished with imprisonment not exceeding one year or fine not exceeding ten times the value of the false or altered coin, or both.

Section 205.

Whoever makes any instrument or material intended for making false money or altering money, or is found in possession of it, shall be punished with imprisonment of two to ten years and fine of one hundred to three thousand ticals.

Section 206.

Whenever a person making false money or altering money commits any other offence defined in this chapter in connection with the same money, such person shall only be punished for making or altering such money.

Section 207.

Any false money or altered money and any instrument or material intended for making or altering such money shall be forfeited without regard to the conviction or non-conviction of any particular person.

Section 208.

Whoever commits any offence defined in this chapter in respect of coin of a metal inferior in value to silver shall be liable to the punishment prescribed for such offence reduced by one half.

Section 209.

For the purposes of this chapter, the word "money" shall include:—

- (1). Currency notes issued by the State or by any foreign state, and bank-notes issued by any Siamese or foreign state bank.
- (2). Bonds or certificates of debt issued by the State or by any foreign state and the coupons or certificates of interest attached to such bonds or certificates.

Section 210.

Whoever fabricates or puts into circulation any printed documents or pieces of metal the shape and colour of which make them resemble notes or coins, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

 CHAPTER 6.

 FALSE SEALS, STAMPS AND TICKETS.

Section 211.

Whoever counterfeits any State or official seal, or the impression of any such seal, shall be punished in the manner following, that is to say:—

- (1). If the counterfeit be of the seal of His Majesty, the punishment shall be imprisonment of five to twenty years and fine of one hundred to five thousand ticals.
- (2). If the counterfeit be of the seal of any State Department or any Public Institution, or of any other official seal, the punishment shall be imprisonment of one to seven years and fine of one hundred to two thousand ticals.

Section 212.

Whoever having obtained possession of any genuine seal described in section 211 unlawfully uses such seal in a manner likely to cause injury to the public or to any person, shall be liable to the punishment prescribed for counterfeiting a seal, reduced by one third.

Section 213.

Whoever with intent to deceive any person makes use of any false seal as described in section 211 or of the unlawful impression of any genuine seal as described in section 212 shall be liable to the punishment prescribed for counterfeiting a seal, or unlawfully using a genuine seal respectively.

Section 214.

Whoever counterfeits any postage, judicial or other stamp issued by the State for the purpose of revenue, or alters such stamp with intent that it may be used as a stamp of higher value, shall be punished with imprisonment of one to seven years and fine of one hundred to two thousand ticals.

Section 215.

Whoever removes from any postage, judicial, or other stamp issued for the purpose of revenue any mark denoting that such stamp has been used, with intent that it may be used again, shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 216.

Whoever knowingly uses any false or altered stamp as described in sections 214 and 215 or is found in possession of any such stamp with intent that it may be used, shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 217.

Whoever counterfeits any railway or tramway ticket or any other ticket issued to travellers on public conveyances, or alters any such ticket with intent that it may be used as a ticket of higher value, or removes any mark denoting that such ticket has been used with intent that it may be used again, shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 218.

Whoever knowingly uses any false ticket or altered ticket as described in section 217, or is found in possession of such ticket with intent that it may be used, shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

Section 219.

Whoever makes any instrument or material for the purpose of counterfeiting or altering any seal, stamp or ticket, or is found in possession of such instrument or material for the purpose of counterfeiting or altering any such seal, stamp or ticket, shall be liable to the punishment prescribed for counterfeiting or altering any such seal, stamp or ticket, reduced by one third.

Section 220.

Whoever counterfeiting or altering any seal, stamp or ticket, commits any other offence defined in this chapter in connection with the same seal, stamp or ticket, shall only be punished for counterfeiting or altering any such seal, stamp or ticket.

Section 221.

Any false or altered seal, stamp or ticket, and any instrument or material intended for counterfeiting or altering such seal, stamp or ticket, shall be forfeited without regard to the conviction or non-conviction of any particular person.

CHAPTER 7.

FALSE DOCUMENTS.

Section 222.

Whoever in a manner likely to cause injury to the public or to any person, either

- (1) fabricates a false document or part of a document, or
- (2) adds to, takes from, or otherwise alters a genuine document, or
- (3) puts a false seal or signature to a document,

is said to forge a document.

Section 223.

Whoever forges any document not purporting to be a valuable document or a public document shall, if such document be used, be punished with imprisonment of three months to three years and fine of fifty to one thousand ticals.

Section 224.

Whoever forges any document purporting to be either a valuable document or a public document shall be punished with imprisonment of six months to five years and fine of one hundred to two thousand ticals.

Section 225.

Whoever forges a valuable document purporting to be

- (1) a public document ;
- (2) a will ;
- (3) a share certificate, share warrant or debenture issued by any Company or a coupon or certificate of interest or dividend belonging to such document ;

- (4) a bank-note issued by any private bank, a bill of exchange, cheque, promissory note or other negotiable instrument;

shall be punished with imprisonment of three to ten years and fine of one hundred to two thousand ticals.

Section 226.

Whoever in a manner likely to cause injury to the public or to any person, causes an official in his official capacity to insert in any document or register any statement which he knows to be false on any material point as to facts or circumstances of which such document or register is evidence, shall be punished with imprisonment of three months to three years and fine of fifty to one thousand ticals.

Section 227.

Whoever in a manner likely to cause injury to the public or to any person, knowingly makes use of any false document forged by any other person as described in sections 223, 224 and 225 or of a false statement in a document or register as described in section 226 shall be liable to the punishment prescribed for making such false document or statement.

Section 228.

Whoever in a manner likely to cause injury to the public or to any person, destroys, or secretes any will or any other valuable document belonging to any other person shall be liable to the punishment prescribed for forging such document reduced by one third.

Section 229.

Whoever being an official commits forgery in the exercise of his functions shall be punished with imprisonment of five to ten years and fine of two hundred to five thousand ticals.

Section 230.

Whoever being an official and acting in his official capacity, knowingly and in a manner likely to cause injury to the public or to any person, makes in any public document or register any false entry of any material facts or circumstances of which such document or register is evidence, shall be punished with imprisonment of five to ten years and fine of two hundred to five thousand ticals.

Section 231.

Whoever being a physician or other qualified medical man makes any false statement in any certificate regarding the life death or health of any person, knowing that such certificate is likely to be used to deceive any official in the exercise of his functions or any Insurance Company, shall be punished with imprisonment not exceeding two years or fine not exceeding one thousand ticals, or both.

Whoever makes use of such certificate with intent to deceive any official in the exercise of his functions or any Insurance Company shall be liable to the same punishment.

CHAPTER 8.

OFFENCES AGAINST TRADE.

Section 232.

Whoever for the purpose of keeping down or raising the wages of workmen commits or threatens to commit any violence in order to cause workmen to cease working or to work only on certain conditions shall be punished with imprisonment not exceeding six months and fine not exceeding two hundred ticals.

Section 233.

Whoever fraudulently makes any false instrument of weighing or any false weight or measure shall be punished with imprisonment of one month to three years and fine of fifty to one thousand ticals.

Section 234.

Whoever fraudulently uses any false instrument of weighing or any false weight or measure, or is found in possession of such false instrument, weight or measure for the purpose of selling or using the same, shall be punished with imprisonment of one month to three years and fine of fifty to one thousand ticals.

If the offence be committed by the person having made such instrument, weight or measure, such person shall only be liable to the punishment prescribed by this section.

Section 235.

Whoever knowingly puts or causes to appear on any goods, packings, coverings, advertisements, price lists, business letters, circulars or the like, the name of any other person or firm to the use of which he has no right, shall be punished with imprisonment of one month to one year and fine of fifty to two thousand ticals.

Section 236.

Whoever counterfeits any trade-mark, or any name or firm-name used as a trade-mark, shall be punished with imprisonment of three months to three years and fine of one hundred to five thousand ticals.

Section 237.

Whoever without counterfeiting a trade-mark fraudulently imitates it in a manner calculated to deceive a purchaser shall be punished with imprisonment of one month to one year and fine of fifty to two thousand ticals.

Section 238.

Whoever imports, sells or exposes for sale any property which he knows to bear a false name or a false trade-mark or an imitated trade-mark as described in sections 235, 236 and 237, shall be liable to the punishment prescribed by such sections, as the case may be.

Section 239.

Any false instrument of weighing or false weight or measure mentioned in sections 233 and 234, and any property bearing a false name or a false trade-mark or an imitated trade-mark as described in sections 235, 236 and 237, shall be forfeited without regard to the conviction or non-conviction of any particular person.

TITLE VI.

OFFENCES AGAINST MORALITY.

CHAPTER 1.

OFFENCES AGAINST PUBLIC MORALS.

Section 240.

Whoever publicly sells or exposes for sale or exhibition any obscene picture, book or other article shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 241.

Whoever instigates any minor under twelve years of age to have sexual intercourse or to commit immoral practices with any other person, or procures any minor under twelve years of age for the purpose of sexual intercourse or immoral practices with any other person, shall be punished with imprisonment not exceeding two years and fine not exceeding one thousand ticals.

Section 242.

Whoever has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment of three months to three years and fine of fifty to five hundred ticals.

CHAPTER 2.

RAPE AND INDECENT ASSAULT.

Section 243.

Whoever by violence or by any threat has sexual intercourse with any woman against her will, she not being his wife, is said to commit rape, and shall be punished with imprisonment of one to ten years and fine of fifty to five hundred ticals.

Whoever by any fraudulent or deceitful means has sexual intercourse with any woman against her will, she not being his wife, shall be liable to the same punishment.

If in consequence of the commission of such offence grievous bodily harm be caused to such woman, the punishment shall be imprisonment of two to ten years and fine of fifty to one thousand ticals.

If in consequence of the commission of such offence death be caused to such woman, the punishment shall be imprisonment for life or for a period of twelve to twenty years and fine of one hundred to two thousand ticals.

Section 244.

Whoever has sexual intercourse with any girl under twelve years of age, with or without her consent, shall be punished with imprisonment of two to ten years and fine of fifty to five hundred ticals.

If in consequence of the commission of such offence grievous bodily harm be caused to such girl, the punishment shall be imprisonment of three to fifteen years and fine of fifty to one thousand ticals.

If in consequence of the commission of such offence death be caused to such girl, the punishment shall be imprisonment for life or for a period of fifteen to twenty years and fine of one hundred to two thousand ticals.

Section 245.

Whoever commits any indecent act on any child under the age of twelve years shall be punished with imprisonment of one month to three years and fine of fifty to five hundred ticals.

If the offence be committed by means of violence or of any threat, the punishment shall be imprisonment of three months to five years and fine of fifty to one thousand ticals.

Section 246.

Whoever by violence or by any threat or by any fraudulent or deceitful means commits any indecent act on any person over the age of twelve years shall be punished with imprisonment of one month to three years and fine of fifty to five hundred ticals.

Section 247.

The punishments prescribed by sections 243, 244, 245 and 246 shall be increased by one third whenever the offence is committed :—

- (1). By a parent on his child or grand-child.
- (2). By a teacher on a pupil entrusted to his care.
- (3). By an official on a person placed under his care.

Section 248.

Prosecution of any offence defined in section 243 paragraphs 1 and 2, and section 246 shall only be instituted on the complaint of the injured party, provided that such offence is not committed in public.

TITLE VII.

OFFENCES AGAINST LIFE AND BODY.

CHAPTER 1.

OFFENCES CAUSING DEATH.

Section 249.

Whoever causes death to any person with intent to cause death is said to commit murder, and shall be punished with death, or imprisonment for life or for a period of fifteen to twenty years.

Section 250.

Whoever commits murder under any of the following circumstances :—

- (1) on his father or mother or other relation in the direct ascending line ;
- (2) on any official in, or by reason of, the lawful exercise of his functions ;
- (3) with premeditation ;
- (4) by employing torture or acts of cruelty ;
- (5) for the purpose of preparing or facilitating the commission of any other offence ;
- (6) for the purpose of securing the benefit obtained through any other offence, or of concealing such offence or of escaping punishment for such offence ;

shall be punished with death.

Section 251.

Whoever causes death to any person by inflicting any injury upon the body of such person without intent to cause death shall be punished with imprisonment of three to fifteen years.

If the offence be committed under any of the aggravating circumstances mentioned in section 250, the punishment shall be imprisonment of three to twenty years.

Section 252.

Whoever causes death to any person by negligence shall be punished with imprisonment not exceeding three years or fine not exceeding one thousand ticals, or both.

Section 253.

Whenever death is caused in an affray in which three or more persons are engaged, every person engaged in such affray and not acting for necessary defence shall be punished with imprisonment not exceeding two years and fine not exceeding five hundred ticals, without prejudice to the punishment prescribed for any person causing death or bodily harm.

CHAPTER 2.

BODILY HARM.

Section 254.

Whoever without intent to cause death injures the body or mind of any person is said to commit bodily harm, and shall be punished with imprisonment not exceeding two years and fine not exceeding five hundred ticals.

Section 255.

Whoever commits bodily harm under any of the aggravating circumstances mentioned in section 250 shall be punished with imprisonment not exceeding three years and fine not exceeding five hundred ticals.

Section 256.

Whoever commits bodily harm with any of the following results :—

- (1) mutilation or loss of an arm or leg ;
- (2) permanent deprivation of the sight of either eye ;
- (3) permanent deprivation of the hearing of either ear ;
- (4) cutting of the tongue ;
- (5) emasculation ;
- (6) permanent disfiguration of the face ;
- (7) infirmity or illness being or appearing to be permanent ;
- (8) infirmity or illness causing the sufferer to be during the space of twenty days in severe bodily pain or unable to follow his ordinary pursuits ;

is said to commit grievous bodily harm, and shall be punished with imprisonment of two to seven years.

Section 257.

Whoever commits grievous bodily harm under any of the aggravating circumstances mentioned in section 250 shall be punished with imprisonment of three to ten years.

Section 258.

Whenever grievous bodily harm is caused in an affray in which three or more persons are engaged, every person engaged in such affray and not acting for necessary defence shall be punished with imprisonment not exceeding one year and fine not exceeding two hundred ticals, without prejudice to the punishment prescribed for any person causing bodily harm.

Section 259.

Whoever causes grievous bodily harm by negligence shall be punished with imprisonment not exceeding one year or fine not exceeding one thousand ticals, or both.

CHAPTER 3.

ABORTION.

Section 260.

Any woman who causes herself to miscarry, or allows any other person to cause her to miscarry, shall be punished with imprisonment not exceeding three years or fine not exceeding one hundred ticals, or both.

Section 261.

Whoever causes any woman, with the consent of such woman, to miscarry, shall be punished with imprisonment of one month to three years and fine of twenty to five hundred ticals.

Section 262.

Whenever the offence defined in the preceding section is committed by a physician, a midwife or a person acting for a remuneration, the punishment shall be increased by one third.

Section 263.

Whoever knowing a woman to be with child causes, by any act of violence or otherwise, such woman to miscarry without her consent, shall be liable to the punishment prescribed by sections 256 or 257 for the offence of causing grievous bodily harm.

Section 264.

Any attempt to commit any offence defined in sections 260 and 261 shall not be punishable.

CHAPTER 4.

ABANDONMENT OF CHILDREN OR OF SICK
OR AGED PERSONS.

Section 265.

Whoever exposes or leaves any child under nine years of age in any place, with intent to wholly abandon such child, shall be punished with imprisonment of three months to three years and fine of twenty to one hundred ticals.

Section 266.

Whoever being bound by law or under a contract to take care of any person who is in a helpless condition through age, sickness or infirmity, abandons such person in a manner likely to endanger his life, shall be punished with imprisonment of three months to three years and fine of twenty to one hundred ticals.

Section 267.

Whenever death or grievous bodily harm is caused by such abandonment to such child or person, the punishment prescribed by sections 249, 254 or 255 shall be inflicted.

TITLE VIII.

OFFENCES AGAINST LIBERTY AND
REPUTATION.

CHAPTER 1.

OFFENCES AGAINST LIBERTY.

Section 268.

Whoever by violence or by any threat wrongfully compels any person to do, or not to do, or to suffer any act, shall be

punished with imprisonment not exceeding one year and fine not exceeding five hundred ticals.

If the offence be committed by a written communication, or by threatening to disclose any private secret or otherwise to cause any injury to the reputation of any person, or by threatening to commit or cause to be committed an offence punishable with death or with imprisonment of five years or upwards, the punishment shall be imprisonment not exceeding two years and fine not exceeding five hundred ticals.

If the offence be committed by making use of arms or by five or more persons, the punishment shall be imprisonment of one month to three years and fine of fifty to five hundred ticals.

If the offence be committed by creating fear of some secret society or criminal association, the punishment shall be imprisonment of one to seven years and fine of fifty to one thousand ticals.

Section 269.

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of one to seven years and fine of one hundred to one thousand ticals.

Provided that no person shall be prosecuted for lawfully being in possession or disposing of a slave under any of the exceptions of the decrees for the abolition of slavery.

Section 270.

Whoever wrongfully detains or confines any person or otherwise deprives such person of his liberty shall be punished with imprisonment not exceeding three years and fine not exceeding five hundred ticals.

Section 271.

Whoever by negligence causes any person to be wrongfully confined or deprived of his liberty shall be punished with imprisonment not exceeding one year or fine not exceeding five hundred ticals, or both.

Section 272.

Whenever by deprivation of liberty as described in sections 270 and 271 death or grievous bodily harm is caused to the person deprived of his liberty, the punishment prescribed by sections 251, 252, 256, 257 or 259 shall be inflicted, as the case may be.

Section 273.

Whoever takes away any child under the age of ten years from its parents or lawful guardian, or knowing such child to be so taken away, buys, sells or wrongfully receives it, shall be punished with imprisonment of six months to seven years and fine of fifty to one thousand ticals.

Section 274.

Whoever takes away any child from ten to fourteen years of age inclusive from its parents or lawful guardian, without the consent of such child, or knowing such child to be so taken away, buys, sells or wrongfully receives it, shall be punished with imprisonment of one month to three years and fine of fifty to five hundred ticals.

If the offence be committed from motives of lucre or for any immoral purpose, the punishment shall be imprisonment of six months to seven years and fine of one hundred to two thousand ticals.

Section 275.

Whoever takes away any child from ten to fourteen years of age inclusive from its parents or lawful guardian, with the consent of such child, or knowing such child to be so taken away, buys, sells or wrongfully receives it, shall be punished with imprisonment of one month to three years and fine of fifty to five hundred ticals, provided that the offence is committed from motives of lucre or for any immoral purpose.

Section 276.

Whoever by violence or by any threat or by any fraudulent or deceitful means takes away any woman for any immoral

purpose, or conceals such woman, knowing her to be so taken away, shall be punished with imprisonment of six months to seven years and fine of one hundred to one thousand ticals.

Section 277.

Whoever by violence or by any threat or by any fraudulent or deceitful means takes away any person beyond the limits of the country in order wrongfully to deliver such person into the power of any other person, or abandons such person in a helpless condition, shall be punished with imprisonment of six months to seven years and fine of one hundred to two thousand ticals.

Section 278.

Prosecution of any offence defined in section 268 paragraphs 1 and 2, and section 271 shall only be instituted on the complaint of the injured party.

CHAPTER 2.

DISCLOSURE OF PRIVATE SECRETS.

Section 279.

Whoever wrongfully breaks open or makes away with any letter, telegram or other document belonging to any other person, in order to ascertain its contents, or discloses the contents of such letter, telegram or document in a manner likely to cause injury to any person, shall be punished with imprisonment not exceeding three months or fine not exceeding five hundred ticals, or both.

Section 280.

Whoever wrongfully discloses any private secret communicated to him by reason of his functions or profession, in a

manner likely to cause injury to the person communicating such secret, shall be punished with imprisonment not exceeding six months or fine not exceeding five hundred ticals, or both.

Section 281.

Prosecution of any offence defined in this chapter shall only be instituted on the complaint of the injured party.

CHAPTER 3. DEFAMATION.

Section 282.

Whoever in the presence of, or by communication made to two or more persons, imputes anything which is likely to injure the reputation of any other person or to expose such person to public hatred or contempt, is said to commit defamation, and shall be punished with imprisonment not exceeding six months or fine not exceeding one thousand ticals, or both.

If the offence be committed by means of the publication of any book, periodical work, newspaper, design or other writing, the punishment shall be imprisonment not exceeding one year or fine not exceeding two thousand ticals, or both.

Section 283.

Whoever in good faith expresses an opinion under any of the following circumstances :—

- (1) by way of self justification or defence, or for the protection of a lawful interest;
- (2) in a report made by an official in his official capacity;
- (3) by way of fair comment on the merits of any person or thing subjected to public criticism;
- (4) by way of fair publication of or comment on the proceedings of any Court of Justice or public meeting;

shall not be punished for defamation.

Section 284.

A person prosecuted for defamation shall not be allowed to prove that the imputation made by him is true, except in the following cases :—

- (1). If the Court be satisfied that the imputation is made for the public good.
- (2). If the imputation be made against an official concerning any act done by him in his official capacity.
- (3). If the complainant move the Court to enquire into the imputation, and to state in the judgment whether such imputation is true or not.

If the accused fail to prove the truth of his imputation, he shall be punished with imprisonment not exceeding two years or fine not exceeding five thousand ticals, or both.

Section 285.

Any statement made verbally or in writing in the course of any judicial proceeding by the parties or their counsel shall not be punishable, provided that the Court may reject such statement, or order its withdrawal or amendment on such terms as the Court may think fit.

Section 286.

In addition to any punishment prescribed in this chapter the Court may, in its discretion, upon the application of the complainant, order :—

- (1). The copies of the defamatory matter to be seized and destroyed.
- (2). The judgment of the Court to be published, wholly or in part, in one or more newspapers at the expense of the convicted person.

Section 287.

Prosecution of any offence defined in this chapter shall only be instituted on the complaint of the injured party, and

if the injured party die, or if the defamation be committed against a dead person, by the husband or wife or by any relation within the second degree of the deceased.

TITLE IX.

OFFENCES AGAINST PROPERTY.

CHAPTER 1.

THEFT.

Section 288.

Whoever dishonestly takes away any property belonging wholly or in part to any other person, without the consent of such person, is said to commit theft, and shall be punished with imprisonment not exceeding three years and fine not exceeding five hundred ticals.

Section 289.

The provision of the foregoing section includes the dishonest taking away by a partner of any property of the partnership out of the possession of any other partner or person.

The said provision includes also the dishonest taking away by a joint owner of any joint property out of the possession of any other joint owner or person.

Section 290.

Whoever dishonestly takes away any property seized in execution or otherwise attached by law, whether it belongs to him or to any other person, commits theft.

Section 291.

Whoever dishonestly takes away any pledged property belonging to him or to any other person out of the possession and without the consent of the pledgee commits theft.

Section 292.

Whoever plucks fruit, grass or other produce in the field or garden of any other person shall be punished with imprisonment not exceeding three months or fine not exceeding two hundred ticals, or both.

Section 293.

Whenever theft is committed under any of the following circumstances :—

- (1) by night;
- (2) by breaking through, scaling or climbing over any enclosure made for the protection of persons or property;
- (3) by using any passage not intended for human entrance, or any passage unfastened by any principal or accessory to the offence;
- (4) by opening any lock by means of keys unlawfully possessed or by means of any other instrument;
- (5) by breaking open or carrying away any closed receptacle;
- (6) by taking advantage of any fire, explosion, railway accident, distress of vessel or other public calamity;
- (7) by a person carrying any arms ;
- (8) by a person disguised or with his face blackened ;
- (9) by false personation;
- (10) by a person falsely pretending to act under lawful authority;
- (11) by two or more persons;

the punishment shall be imprisonment of six months to five years and fine of fifty to one thousand ticals.

Section 294.

Whenever theft is committed :—

- (1) in a dwelling place, provided that the offender is in such place without the consent of the injured person;
- (2) in any place of public worship;
- (3) in any railway station, wharf or other place of entry or discharge of goods;
- (4) upon anything intended for the service of the State or for public use;
- (5) by a clerk or servant upon any property in the possession of his master or employer;
- (6) upon any cattle or beast of burden;

the punishment shall be imprisonment of six months to five years and fine of one hundred to one thousand ticals.

If the offence defined in this section be committed under any of the aggravating circumstances mentioned in section 293, the punishment shall be imprisonment of one to five years and fine of one hundred to one thousand ticals.

Section 295.

Whoever commits theft in a dwelling place by night and under any of the other aggravating circumstances mentioned in section 293 shall be punished with imprisonment of two to seven years and fine of one hundred to one thousand ticals.

Section 296.

Whoever commits theft of an elephant or three or more head of cattle or beasts of burden shall be punished with imprisonment of three to seven years and fine of one hundred to one thousand ticals.

Chapter 2.

SNATCHING, ROBBERY, GANG-ROBBERY, PIRACY.

Section 297.

Whoever commits theft by snatching without causing bodily harm shall be punished with imprisonment of six months to five years and fine of twenty to five hundred ticals.

If bodily harm be caused, the punishment provided in section 298 shall be inflicted.

Section 298.

Whoever committing theft uses any violence or any threat against any person in order :—

- (1) to prepare or facilitate the commission of the offence, or
- (2) to obtain possession or delivery of any property, or
- (3) to secure the benefit obtained through the offence, or
- (4) to conceal the offence, or
- (5) to escape punishment,

is said to commit robbery, and shall be punished with imprisonment of two to seven years and fine of one hundred to one thousand ticals.

Section 299.

Whenever robbery is committed under any of the aggravating circumstances mentioned in sections 293 and 294, the punishment shall be imprisonment of three to ten years and fine of one hundred to two thousand ticals.

Section 300.

Whenever in committing robbery any bodily harm is caused, the punishment shall be imprisonment of five to fifteen years and fine of one hundred to two thousand ticals.

If grievous bodily harm be caused, the punishment shall be imprisonment of seven to fifteen years and fine of two hundred to two thousand ticals.

If death be caused, the punishment shall be imprisonment of ten to twenty years and fine of five hundred to two thousand ticals, without prejudice to the punishment prescribed for any person causing death.

Section 301.

Whenever three or more persons, of whom one at least carries any arms, commit robbery, every such person is said to commit gang-robbery, and shall be punished with imprisonment of ten to fifteen years.

If grievous bodily harm be caused, the punishment shall be imprisonment for life or for a period of fifteen to twenty years.

If death be caused, the punishment shall be death or imprisonment for life, without prejudice to the punishment prescribed for any person committing murder under any of the aggravating circumstances mentioned in section 250.

Section 302.

Whoever commits piracy shall be punished according to the provisions of sections 298, 299, 300 or 301.

CHAPTER 3.

EXTORTION.

Section 303.

Whoever by violence or by any threat wrongfully compels a person to promise to deliver to any person any property, or to execute, cancel or destroy any valuable document, shall be punished with imprisonment of six months to five years and fine of fifty to two thousand ticals.

If the offence be committed :—

- (1) by threatening to disclose any private secret or otherwise to cause any injury to the reputation of any person, or
- (2) by threatening to cause death or grievous bodily harm or to set fire to any property, or
- (3) by a person carrying any arms,

the punishment shall be imprisonment of two to seven years and fine of one hundred to five thousand ticals.

CHAPTER 4.

CHEATING AND FRAUD.

Section 304.

Whoever by using fraudulent and deceitful means, which must include the assertion of a falsehood or the concealment of any circumstances which it is his duty to reveal, dishonestly induces a person to deliver to any person any property, or to execute cancel or destroy any valuable document, is said to cheat, and shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

Section 305.

Whoever obtains goods on credit without intent to pay for them commits the offence of cheating.

Section 306.

Whoever cheats under any of the following circumstances:—

- (1) by false personation ;
- (2) by pretending to use witchcraft ;
- (3) by concealing the fact that his property is sold or mortgaged or pledged, and by selling or mortgaging or pledging such property a second time ;
- (4) by selling, mortgaging, pledging or otherwise disposing of any property which he has not the right to dispose of ;
- (5) by taking advantage of the inexperience of any person under age or the weakness of mind of any person ;

shall be punished with imprisonment of six months to five years and fine of one hundred to five thousand ticals.

Section 307.

Whoever takes advantage of the needs, weakness of mind or passions of any person under age in order to induce him to sign any valuable document to his prejudice or to the prejudice of any other person without adequate consideration, shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

Section 308.

Whoever with intent to prevent the forfeiture, attachment or seizure of any property under a judgment, decree or order pronounced or likely to be pronounced by any Court of Justice, either fraudulently removes, conceals, transfers or delivers such property to any person, or fraudulently claims such property or any interest therein, or fraudulently suffers any judgment to be passed against him for a sum not due, shall be punished with imprisonment not exceeding two years and fine not exceeding five thousand ticals.

Section 309.

Whoever with intent to prevent the distribution of any property according to law among his creditors or the creditors of any other person, fraudulently removes, conceals or delivers such property to any other person, or transfers such property or causes such property to be transferred to any other person without adequate consideration, shall be punished with imprisonment not exceeding two years and fine not exceeding five thousand ticals.

Section 310.

Whoever in the sale of goods by any fraudulent means deceives the purchaser as to the nature, quality or quantity of goods sold, shall be punished with imprisonment not exceeding six months and fine not exceeding five hundred ticals.

Section 311.

Whoever makes any gain by deceitful practice in any lawful game, play or sport, provided such practice does not

amount to cheating or criminal misappropriation, shall be punished with imprisonment not exceeding three months and fine not exceeding two hundred ticals.

Section 312.

Whoever destroys or damages any property insured against any peril or risk with intent to procure for himself or for any other person the indemnity promised for the loss of such property, shall be punished with imprisonment of six months to five years and fine of fifty to five thousand ticals.

Section 313.

Prosecution of offences defined in this chapter shall only be instituted on the complaint of the injured party.

CHAPTER 5.

CRIMINAL MISAPPROPRIATION.

Section 314.

Whoever being entrusted with the care, custody or administration of any property belonging wholly or in part to any other person, or being entrusted with such property on condition of making use of it for a purpose specified by law or by the person entrusting it, dishonestly converts such property to his own use or benefit or to the use or benefit of any other person, is said to commit criminal misappropriation, and shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

Section 315.

Whoever being entrusted with a blank signature for a purpose specified by law or by the person entrusting it, uses such blank signature for another purpose and in a manner

likely to cause injury to any person, commits criminal misappropriation.

If the blank signature be not entrusted to the offender, the provisions concerning the making of false documents shall be applied.

Section 316.

Whoever dishonestly conceals, disposes of or makes away with any property belonging to him, such property being lawfully attached and entrusted to his care or custody, commits criminal misappropriation.

Section 317.

Whoever dishonestly misappropriates any property delivered to him in consequence of a mistake shall be liable to the punishment prescribed for criminal misappropriation reduced by one half.

Section 318.

Whoever having found any lost property or treasure-trove appropriates such property without complying with the requirements of the law with respect to the possession of articles lost and found or of treasure-trove shall be liable to the punishment prescribed for criminal misappropriation reduced by one half.

Section 319.

Whoever commits criminal misappropriation in respect of any property entrusted to him under any of the following circumstances :—

- (1) by reason of his being a clerk or servant of the person entrusting such property ;
- (2) by reason of his being an executor or an administrator acting under the order of any Court or on his own initiative ;
- (3) by reason of his duties, profession, trade or business ;

shall be punished with imprisonment of six months to five years and fine of one hundred to five thousand ticals.

Section 320.

Prosecution of any offence defined in this chapter, except offences defined in section 319 sub-sections 2 and 3, shall only be instituted on the complaint of the injured party.

CHAPTER 6.

RECEIVING STOLEN PROPERTY.

Section 321.

Whoever purchases, takes in exchange or in pledge, accepts as a present or as a deposit, or otherwise receives or conceals, or assists in making away with or disposing of any property, knowing that such property has been obtained by an offence, is said to receive stolen property, and shall be punished with imprisonment not exceeding five years and fine not exceeding two thousand ticals, provided that such person did not take part in the commission of such offence or is not liable under section 182.

Section 322.

Whoever receives stolen property, knowing that such property has been obtained by robbery or gang-robbery, shall be punished with imprisonment of three months to five years and fine of one hundred to five thousand ticals.

Section 323.

Whoever habitually receives stolen property shall be punished with imprisonment of three to ten years and fine of two hundred to five thousand ticals.

Chapter 7.

MISCHIEF.

Section 324.

Whoever wrongfully destroys or damages any property belonging to any other person is said to commit mischief, and

shall be punished with imprisonment not exceeding two years or fine not exceeding one thousand ticals, or both.

Section 325.

Whoever commits mischief on any property of the following description :—

- (1) on anything intended for the service of the State or for public use ;
- (2) on any steam engine or any machinery ;
- (3) on any cattle or beast of burden ;

shall be punished with imprisonment not exceeding three years and fine not exceeding two thousand ticals.

Section 326.

Prosecution of any offence defined in this chapter shall only be instituted on the complaint of the injured party.

CHAPTER 8.

TRESPASS.

Section 327.

Whoever in order to prevent the peaceful enjoyment of the immoveable property of any other person unlawfully takes possession of such property, or in order to effect such taking, moves or destroys any boundary mark, or enters upon such property, is said to commit trespass, and shall be punished with imprisonment not exceeding one year or fine not exceeding five hundred ticals, or both.

Section 328.

Whenever trespass is committed under any of the following circumstances :—

- (1) by committing or threatening to commit any violence ;
- (2) by a person carrying any arms ;
- (3) by five or more persons ;

the punishment shall be imprisonment not exceeding three years and fine not exceeding one thousand ticals.

Section 329.

Whoever wrongfully enters any dwelling place or the enclosed compound of any dwelling place, or is found concealed in such place without justifiable cause, or remains there after having been required to depart by any person who has the right to forbid him from entering, is said to commit house trespass, and shall be punished with imprisonment not exceeding six months and fine not exceeding one hundred ticals. 6(19)

If house trespass be committed by night or by means of violence or of any threat or by a person carrying any arms or by three or more persons, the punishment shall be imprisonment not exceeding three years and fine not exceeding five hundred ticals.

Section 330.

Whoever wrongfully enters any place used for the service of the State, or is found concealed in such place without justifiable cause, or unlawfully remains there after having been required by any competent official to depart, shall be liable to the punishment prescribed for house trespass.

Section 331.

Prosecution of any offence defined in sections 327, 328 and 329 shall only be instituted on the complaint of the injured party.

TITLE X.

PETTY OFFENCES.

Section 332.

Petty offences shall be punishable according to the class provided in each sub-section of sections 334 to 340.

Petty offences marked Class A. shall be punishable with fine not exceeding twelve ticals.

Petty offences marked Class B. shall be punishable with fine not exceeding fifty ticals.

Petty offences marked Class C. shall be punishable with imprisonment not exceeding ten days or fine not exceeding fifty ticals, or both.

Petty offences marked Class D. shall be punishable with imprisonment not exceeding one month or fine not exceeding one hundred ticals, or both.

Section 333.

Except when otherwise provided, petty offences are punishable notwithstanding the fact that they are not committed intentionally.

Section 334.

PETTY OFFENCES

RELATING TO PUBLIC ADMINISTRATION
AND PUBLIC JUSTICE.

(1). Whoever being required by a police officer to give his name or address refuses to give it or gives a name or address which is incorrect Class A.

(2). Whoever refuses to obey any lawful direction or order given by any official for the execution of any law or regulation Class C.

(3). Whoever disturbs the sitting of any Court or behaves improperly before such Court ... Class D.

(4). Whoever pulls down or injures any board or document or notice posted up by the order of any official in the exercise of his duties ... Class D.

Section 335.

PETTY OFFENCES RELATING TO PUBLIC SECURITY AND PUBLIC HEALTH.

(1). Whoever unnecessarily and unlawfully creates such a noise as to cause a disturbance in any town or village during the night time ... Class A.

(2). Whoever carries any loaded firearm in any public way or place without authority. Such arms may be forfeited ... Class A.

(3). Whoever carries any arms at any fair or public festival. Such arms shall be forfeited ... Class A.

(4). Whoever lets off crackers, rockets, fireworks, or fire-balloons in any town, village, market or public road without complying with the local regulations ... Class A.

(5). Whoever uses fish manure or other filthy and offensive matter as manure in or in the near neighbourhood of any town, village or market without complying with the local regulations ... Class A.

(6). Whoever engages in a fight in a public way or place ... Class B.

(7). Whoever sells spirituous liquors to any person in a state of evident drunkenness or to any child under the age of fourteen years... Class B.

(8). Whoever having in his care any insane and mischievous person allows him to wander about ... Class B.

(9). Whoever seeing any person in danger of death abstains from rendering any assistance to such person, when he can do so without danger to himself ... Class B.

(10). Whoever obstructs any public sewer, drain or watercourse ... Class B.

(11). Whoever unnecessarily fires any gun or other firearm in any town, village, market or in any other place where people are assembled Class C.

(12). Whoever having in his care any ferocious animal allows it to wander about Class C.

(13). Whoever is found drunk and incapable or behaving in a riotous manner in any public way or place ... Class C.

(14). Whoever in the course of a fight draws or makes use of any arms Class C.

(15). Whoever fouls water in any well, tank or reservoir intended for public use Class C.

(16). Whoever cruelly ill-treats any animal or kills such animal with unnecessary sufferings Class C.

(17). Whoever causes the death of, or wounds any cattle or beast of burden by overdriving or overloading it ... Class C.

(18). Whoever being required by any official to render assistance in case of fire or other public calamity, fails to comply with such request without reasonable excuse Class D.

(19). Whoever in case of gang-robbery abstains without reasonable excuse from giving assistance in order to repel the robbers Class D.

(20). 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, voluntarily and without justifiable cause omits to do so ... Class D.

(21). Whoever alarms the public by circulating false reports Class D.

(22). Whoever sells or offers for sale any articles of food or drink which have become unfit for human consumption and injurious to health. The Court shall order the destruction of such articles of food or drink Class D.

(23). Whoever suffering from any contagious disease makes or offers for sale any article of food or drink Class D.

(24). Whoever knowing that any offence likely to cause death, or any offence of rape, robbery, gang-robbery or piracy is intended to be committed, omits to give notice respecting the commission of such offence to any competent official or to the person against whom the offence is to be committed at a time when by giving such information the commission of the offence would have been prevented Class D.

Provided that no person shall be punished for omitting to give notice of any offence to be committed by his husband or wife, or brother or sister, or any relation in the direct ascending or descending line.

Section 336.

PETTY OFFENCES

RELATING TO PUBLIC COMMUNICATIONS.

(1). Whoever unnecessarily obstructs the public way by placing or leaving thereon any carriage, vehicle or any other thing whatever which may interfere with the safety or freedom of traffic Class A.

(2). Whoever encroaches upon any public way by erecting any house, building, enclosure or fence on such way without legal permission Class A.

(3). Whoever fails to comply with the directions of any competent official as to the cleaning of a public road Class A.

(4). Whoever erects any sale stand on a public road without legal permission Class A.

(5). Whoever allows his cattle or beasts of burden to stray on a public road Class A.

(6). Whoever puts out any public light on a public way Class A.

(7). Whoever drives at night on a public road any vehicle not properly supplied with lights Class A.

(8). Whoever allows his cattle or beasts of burden to damage any public road, pleasure ground, embankment, watercourse, drain or other place or work for public use Class B.

(9). Whoever having been legally permitted to make an excavation or to place any thing which is an obstruction on a public way, neglects to put a proper light at such place in order that passers-by may avoid accident Class B.

(10). Whoever slaughters any cattle or beasts of burden or throws any filth on any public road Class B.

(11). Whoever on or near any public way erects or places anything likely to fall down and injure any person passing on such public way Class B.

(12). Whoever rides a horse or drives any vehicle on any road at an excessive speed, to the danger of the public Class B.

(13). Whoever deposits any cumbrous material or makes any excavation in any public road without legal permission, provided that such act does not constitute any mischief or any offence against public communications ... Class C.

(14). Whoever throws on a public way or near such way the carcase of any animal Class C.

(15). Whoever causes a collision by failing to comply with the rules of driving on public roads Class C.

Section 337.

PETTY OFFENCES AGAINST PUBLIC MORALS.

(1). Whoever utters in public any obscene language Class C.

(2). Whoever indecently exposes his person or otherwise commits in public any indecent act Class D.

Section 338.

PETTY OFFENCES AGAINST THE BODY.

(1). Whoever throws any stones or other hard substance or any filth at any person without having hit such person Class B.

(2). Whoever causes bodily harm by negligence Class C.

(3). Whoever strikes or otherwise commits an act of violence not amounting to bodily harm against any person Class D.

Section 339.

PETTY OFFENCES

AGAINST LIBERTY AND REPUTATION.

- (1). Whoever threatens any person with serious and unjust injury Class C.
- (2). Whoever insults any person in the presence of such person Class C.
- (3). Whoever publishes an insult against any person Class C.

Section 340.

PETTY OFFENCES AGAINST PROPERTY.

- (1). Whoever allows any cattle or beast of burden to stray on the field or garden of any other person, such field or garden being prepared, sown or covered with a crop or containing any produce Class B.
- (2). Whoever throws any stones or other hard substance or any filth into or upon the dwelling place or garden of any other person Class C.
- (3). Whoever drives any cattle or beast of burden on the field or garden of any other person, such field or garden being prepared, sown, or covered with a crop or containing any produce Class D.

