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A BILL

*i n t i t u l e d*

An Act to repeal and re-enact with amendments the Criminal Procedure Code (Chapter 68 of the 1985 Revised Edition) and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## PART I

## PRELIMINARY

**Short title and commencement**

1.—(1) This Act may be cited as the Criminal Procedure Code 2009 and  
5 is generally referred to in this Act as this Code.

(2) This Act shall come into operation on such date as the Minister may,  
by notification in the *Gazette*, appoint.

**Interpretation**

2.—(1) In this Code, unless the context otherwise requires —

10 “advocate” means an advocate and solicitor lawfully entitled to  
practise in Singapore;

“arrestable offence” and “arrestable case” mean, respectively, an  
offence for which and a case in which a police officer may  
ordinarily arrest without warrant according to the third column of  
15 the First Schedule or under any other written law;

“bailable offence” means an offence shown as bailable in the fifth  
column of the First Schedule or which is made bailable by any  
other written law, and “non-bailable offence” means any other  
offence;

20 “complaint”, in relation to the initiation of criminal proceedings in  
Part VIII, means the allegation made orally or in writing to a  
Magistrate with a view to his taking action under this Code that  
some person, whether known or unknown, has committed or is  
guilty of an offence;

25 “computer” has the same meaning as in the Computer Misuse Act  
(Cap. 50A);

“court” means the Court of Appeal, the High Court, a District Court or  
a Magistrate’s Court, as the case may be, which exercises criminal  
jurisdiction;

30 “fine” means any fine or financial penalty imposed by any court upon  
any conviction of any offence;

“investigation officer” means a police officer appointed under section 18(1) or an officer of a law enforcement agency appointed under section 18(2);

5 “juvenile” means a person who is 7 years of age or above and below the age of 16 years;

“law enforcement agency” means any agency which is charged under any written law with the duty of investigating any offence;

“life imprisonment” means imprisonment for the duration of a person’s natural life;

10 “non-arrestable offence” and “non-arrestable case” mean, respectively, any offence for which and any case in which, a police officer may not ordinarily arrest without warrant according to the third column of the First Schedule or under any other written law;

“offence” means an act or omission punishable by any written law;

15 “place” includes —

(a) any building or structure, whether permanent or temporary;

(b) any land, whether or not built on;

(c) any place, whether or not enclosed, and whether or not situated underground or underwater;

20 (d) any vessel, aircraft or train, or any vehicle (whether mechanically propelled or otherwise) or any other means of transport; and

(e) any part of any place;

25 “police officer” has the same meaning as in the Police Force Act (Cap. 235);

“police station” includes —

(a) any office or branch of the Criminal Investigation Department;

(b) the Radio Division of the Singapore Police Force;

30 (c) any place designated by the Commissioner of Police as a police station; and

(d) any other place designated by the Minister as a police station.

“public body” means —

(a) the Government or any department, office or service of the Government; and

5 (b) any corporation, authority, board, council, commission, office or other body established by or under any written law for a public purpose;

“Registrar of the Subordinate Courts” includes a Deputy Registrar of the Subordinate Courts;

10 “Registrar of the Supreme Court” includes the Deputy Registrar and an Assistant Registrar of the Supreme Court;

15 “sign”, in relation to documents signed by a person who is a Judge of the Supreme Court, the Registrar of the Supreme Court, the Registrar of the Subordinate Courts, a District Judge or a Magistrate, includes applying the facsimile signature of that person;

“Subordinate Court” means any court constituted under the Subordinate Courts Act (Cap. 321) for the administration of criminal justice;

20 “travel document” includes a passport or any document issued by any state or territory (including Singapore) for the purpose of facilitating travel by the holder thereof;

“writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form, whether permanent or otherwise.

25 (2) Words and expressions used in this Code and defined in the Penal Code (Cap. 224) but not defined in this section shall have the same meanings given to them by the Penal Code.

### **Service of notices, orders and documents**

30 **3.—**(1) Subject to this Code, any notice, order or document required or permitted to be served on a person under this Code may be served on that person —

(a) by delivering it personally to that person;

- (b) by addressing it to that person and delivering it at the last known residential address of that person to an adult person who is a member of his family;
- 5 (c) by addressing it to that person and delivering it at the last known business address of that person to his employee or by addressing it to his advocate and delivering it to the advocate at his office;
- (d) by sending it by registered post addressed to that person at his last known residential or business address, or sending it by registered post addressed to his advocate at the advocate's office;
- 10 (e) by addressing it to that person and transmitting it by facsimile to his last-known facsimile number, or addressing it to his advocate and transmitting it by facsimile to the advocate's office facsimile number;
- (f) by leaving it at his last known residential or business address, if  
15 service cannot be effected under paragraphs (a) to (e);
- (g) in the case of an incorporated company, a partnership or a body of persons —
- (i) by delivering it to the director, manager, secretary or other  
20 like officer of the company, partnership or body of persons at its registered office or principal place of business;
- (ii) by delivering it to the advocate (if any) of the company, partnership or body of persons at the advocate's office;
- (iii) by sending it by registered post addressed to that company,  
25 partnership or body of persons at the registered office or principal place of business of the company, partnership or body of persons;
- (iv) by sending it by registered post addressed to the advocate (if any) of the company, partnership or body of persons at the advocate's office;
- 30 (v) by addressing it to that company, partnership or body of persons and transmitting it to the last-known facsimile number of the company, partnership or body of person; or
- (vi) by addressing it to the advocate (if any) of the company,  
35 partnership or body of persons and transmitting it by facsimile to the advocate's office facsimile number; or

(h) by any other method prescribed under this Code.

(2) In the case of service under subsection (1)(a), the person to whom the notice, order or document is served must, if so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip.

5 (3) In the case of service under subsection (1)(b) and (c), the family member or employee to whom the notice, order or document is delivered must, if so required by the serving officer, acknowledge its receipt by signing on an acknowledgment slip and writing down his name, age, identity card or passport number, contact details and relationship to the person on whom it is intended to be served.

(4) A reference in this Code to service by registered post is a reference to a postal service that records the posting and delivery of mail by the Postal Authority or public postal licensee within the meaning of the Postal Services Act (Cap. 237A).

15 (5) When a notice, order or document is served under this section, an affidavit of such service purporting to be made by the process server before an officer authorised to administer an oath shall be admissible in evidence.

#### **Trial of offences under Penal Code or other laws**

20 **4.**—(1) Offences under the Penal Code (Cap. 224) must be inquired into and tried according to this Code.

(2) Offences under any other written law must also be inquired into and tried according to this Code, subject to any law regulating the manner or place of inquiring into or trying those offences.

#### **25 Saving of powers of Supreme Court and law officers**

**5.** Nothing in this Code shall derogate from the powers or jurisdiction of the Court of Appeal, the High Court or of the Judges thereof, the Attorney-General or the Solicitor-General.

#### **Where no procedure is provided**

30 **6.** As regards matters of criminal procedure for which no special provision has been made by this Code or by any other law for the time being in force, such procedure as the justice of the case may require, and which is not inconsistent with this Code or such other law, may be adopted.

## PART II

## JURISDICTION AND POWERS OF COURTS

*Division 1 — Preliminary***Courts**

- 5     **7.** The courts for the administration of criminal justice within Singapore shall be as follows:
- (a) the Court of Appeal;
  - (b) the High Court;
  - (c) District Courts; and
  - 10    (d) Magistrates' Courts.

*Division 2 — Criminal jurisdiction of Supreme Court***Criminal Jurisdiction of High Court**

- 8.** The High Court shall have jurisdiction to try all offences committed —
- 15    (a) within Singapore;
  - (b) on board any ship or aircraft registered in Singapore;
  - (c) by any person who is a citizen of Singapore on the high seas or on any aircraft;
  - (d) by any person on the high seas where the offence is piracy by the law of nations;
  - 20    (e) by any person within or outside Singapore where the offence is punishable under and by virtue of the provisions of the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124) or the Maritime Offences Act (Cap. 170B); and
  - 25    (f) in any place or by any person if it is provided in any written law that the offence is triable in Singapore.

### **Appellate criminal jurisdiction of High Court**

**9.**—(1) The appellate criminal jurisdiction of the High Court shall consist of —

- 5           (a) the hearing of appeals from any District Court or Magistrate’s Court before one or more Judges according to the procedure set out in this Code or in any other law for the time being in force; and
- 10           (b) the hearing of points of law reserved by any District Court or Magistrate’s Court, by way of case stated, before one or more Judges according to the procedure set out in this Code or in any other law for the time being in force.

15           (2) For the purposes of and incidental to the hearing of any matter referred to in subsection (1), the High Court shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.

### **Criminal jurisdiction of Court of Appeal**

**10.**—(1) The criminal jurisdiction of the Court of Appeal shall consist of the hearing of appeals against —

- 20           (a) any decision made by the High Court in the exercise of its original criminal jurisdiction; or
- (b) any order or decision made by the High Court in the exercise of its appellate criminal jurisdiction, other than a final order or decision of the High Court disposing of a case,

25           subject to the provisions of this Code or any other written law regulating the terms and conditions upon which such appeals may be brought.

(2) For the purposes of and incidental to —

- (a) the hearing of and determination of any appeal to the Court of Appeal; and
- 30           (b) the amendment, execution and enforcement of any judgment or order made on such an appeal,

the Court of Appeal shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.

(3) The Court of Appeal shall, for the purposes of and subject to the provisions of this Code or any other written law, have full power to

determine any question necessary for the purpose of doing justice in any case before the Court.

*Division 3 — Criminal jurisdiction of Subordinate Courts*

**Criminal jurisdiction of Magistrates' Courts**

5 **11.**—(1) Subject to this Code, Magistrates' Courts shall have jurisdiction and power to —

- (a) try any offence for which the maximum term of imprisonment provided by law does not exceed 5 years or which is punishable with a fine only;
- 10 (b) inquire into any complaint of an offence and summon and examine witnesses about such offence, and summon and issue a warrant for the arrest of an offender, and deal with him according to law;
- (c) do any other thing that Magistrates' Courts are empowered to do  
15 by law.

(2) The criminal jurisdiction of a Magistrate's Court shall be exercisable where the offence is committed —

- (a) within Singapore;
- (b) on board any ship or aircraft registered in Singapore;
- 20 (c) by any person who is a citizen of Singapore on the high seas or on any aircraft; and
- (d) in any place or by any person if it is provided in any written law that the offence is triable in Singapore.

25 (3) The jurisdiction and powers conferred on Magistrates' Courts under subsection (1)(a) must be exercised by a Magistrate sitting in a court house of the Magistrate's Court or at such other place as may be prescribed.

30 (4) The jurisdiction and powers conferred on Magistrates' Courts under subsection (1)(b) and (c) may be exercised by a Magistrate at any place in Singapore.

### **Criminal jurisdiction of District Courts**

**12.**—(1) District Courts shall have jurisdiction to try any offence which is punishable with a maximum term of imprisonment not exceeding 10 years or with fine only.

5 (2) The criminal jurisdiction of a District Court shall be exercisable where the offence is committed —

(a) within Singapore;

(b) on board any ship or aircraft registered in Singapore;

10 (c) by any person who is a citizen of Singapore on the high seas or on any aircraft; and

(d) in any place or by any person if it is provided in any written law that the offence is triable in Singapore.

(3) Every District Court shall have in the exercise of its jurisdiction all the powers of a Magistrate's Court.

### **Enlargement of jurisdiction of Subordinate Courts**

15 **13.**—(1) Where an offence is triable by a District Court but not by a Magistrate's Court, the Public Prosecutor may authorise in writing a Magistrate's Court in any particular case to try the offence.

20 (2) Notwithstanding section 12(1), a District Court may try any offence —

(a) under the Penal Code if that offence is shown to be triable by a District Court in the eighth column of the First Schedule; or

(b) which is punishable with a term of imprisonment exceeding 10 years if —

25 (i) the Public Prosecutor applies to the District Court to try such offence; and

(ii) the accused consents, or if more than one are charged together with the same offence, all such accused persons consent to be tried by the District Court.

30 (3) Nothing in this section shall be construed as enlarging the power conferred on the Magistrate's Court or District Court under section 260.

### **Consent required for prosecution of certain offences**

**14.**—(1) A prosecution for an offence under —

(a) section 108A, 108B, 172 to 188, 193 to 196, 199, 200, 205 to 211, 228, 376C, 376G, or 505 of the Penal Code (Cap. 224);

5 (b) Chapter VA, VI (except section 127) or XVIII of the Penal Code; or

(c) any other written law where the Public Prosecutor's consent is required before the prosecution may begin,

must not be instituted except with the consent of the Public Prosecutor.

10 (2) A prosecution for an offence under Chapter XXI of the Penal Code must not be instituted except with the consent of the Public Prosecutor or on a complaint by any person aggrieved by the offence.

(3) A person may be charged or arrested, or a warrant for his arrest may be issued and executed and any such person may be remanded in custody or released on bail, notwithstanding that the consent of the Public Prosecutor referred to in subsection (1) or (2) has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

20 (4) When a person is brought before a court before the Public Prosecutor has consented to the prosecution, the charge shall be explained to him but he shall not be called upon to plead.

(5) The consent of the Public Prosecutor —

(a) need not refer to a particular offence but may be expressed in general terms; and

25 (b) must as far as practicable specify the place in which and the occasion on which the offence was committed.

(6) No consent shall remain in force unless acted upon within one month from the date on which it was given.

30 (7) The Public Prosecutor shall be deemed to have given his consent as required under this section if on or after the date an accused person is first charged in court for an offence, the Solicitor-General, a Deputy Public Prosecutor or an Assistant Public Prosecutor appears in court to conduct the trial under Part X.

## PART III

POWERS OF ATTORNEY-GENERAL  
AND PUBLIC PROSECUTOR**Public Prosecutor**

5     **15.**—(1) The Attorney-General shall be the Public Prosecutor and shall have the control and direction of criminal prosecutions and proceedings under this Code or any other written law.

10     (2) The Solicitor-General shall have all the powers of a Deputy Public Prosecutor and shall act as Public Prosecutor when the Attorney-General is absent or unable to act.

(3) Subject to this section, the Public Prosecutor may appoint any officer or other person to act as a Deputy Public Prosecutor or an Assistant Public Prosecutor in carrying out any of his duties under this Code or under any other written law, and may assign any of those duties to him.

15     (4) The Public Prosecutor may authorise in writing one or more Deputy Public Prosecutors —

    (a) to give any consent, order, permission or direction; or

    (b) to make any application,

20     on behalf of the Public Prosecutor that is required by this Code or any other written law for —

    (i) the trial of an offence before any court, tribunal or authority;

    (ii) the forfeiture, confiscation, destruction or the disposal of property; or

25     (iii) the exercise by any police officer of the powers of investigation under section 24, 25, 26, 38, 43 or 115.

(5) The Public Prosecutor, the Solicitor-General or a Deputy Public Prosecutor may authorise any person, on such terms and conditions as he thinks fit, to act as Public Prosecutor in the conduct of a case or prosecution in court or in any part of such conduct.

30     (6) Any proceeding before the High Court must be conducted by the Public Prosecutor, the Solicitor-General, a Deputy Public Prosecutor, an

Assistant Public Prosecutor, or a person authorised under subsection (5) who is an advocate.

5 (7) Any criminal appeal or a point of law reserved under Part XVII must be conducted by the Public Prosecutor, the Solicitor-General, a Deputy Public Prosecutor, or a person authorised under subsection (5) who is an advocate.

10 (8) Any proceeding before a Subordinate Court must be conducted by the Public Prosecutor, the Solicitor-General, a Deputy Public Prosecutor, an Assistant Public Prosecutor, or any other person authorised by the Public Prosecutor, the Solicitor-General or a Deputy Public Prosecutor, except as otherwise provided for in subsections (9) and (10).

(9) An officer of a public body who is authorised to conduct any prosecution in respect of any offence may appear in person or by an advocate to prosecute in summary cases before a Magistrate's Court.

15 (10) A private person may appear in person or by an advocate to prosecute in summary cases before a Magistrate's Court where the maximum penalty for the offence is imprisonment for a term not exceeding 3 years or a fine, or both.

#### **Public Prosecutor's fiat**

20 **16.**—(1) Notwithstanding section 15, the Public Prosecutor may by fiat, and on such terms and conditions as he thinks fit, permit any person to prosecute, on his own behalf, any particular offence punishable under the Penal Code (Cap. 224) or any other written law or to pursue any further proceedings in such prosecution.

25 (2) The person to whom the fiat is granted under subsection (1) may either appear in person or by advocate.

#### **Public Prosecutor's power to take over conduct of prosecution, etc.**

30 **17.** Where a prosecution is conducted by a person other than the Public Prosecutor, the Solicitor-General, a Deputy Public Prosecutor or an Assistant Public Prosecutor, the Public Prosecutor may, if he thinks fit, take over the conduct of the prosecution at any stage of the proceedings and continue or discontinue the prosecution.

## PART IV

## INFORMATION TO POLICE AND POWERS OF INVESTIGATION

*Division 1 — Preliminary***Investigation officers**

5     **18.**—(1) The Commissioner of Police may appoint in writing any police officer or class of police officers as investigation officers for the purposes of this Code.

(2) The head or director of any prescribed law enforcement agency, or any person of a similar rank in such law enforcement agency, may appoint  
10 in writing any officer or class of officers of that law enforcement agency as investigation officers.

(3) Any investigation officer appointed under subsection (2) —

(a) may, in relation to any prescribed provisions under this Code, exercise any powers of a police officer or an investigation  
15 officer;

(b) shall, in relation to any prescribed provisions under this Code, be treated as if he were a police officer or an investigation officer, as the case may be; and

(c) may investigate only into any prescribed offence.

20                                   *Division 2 — Duties of police officer  
on receiving information about offences*

**Information about offences**

25     **19.**—(1) When information is first received at a police station about an offence, the officer in charge of the police station or any police officer whose duty includes receiving reports (referred to in subsections (3), (4), (5), (6) and (7) as the recording officer) must proceed in accordance with this section.

(2) When information about an offence is given (using any prescribed means) to any person authorised by the Commissioner of Police to receive  
30 reports —

- (a) that person shall immediately reduce the information into writing and communicate that information to the officer in charge of the police station or any police officer whose duty includes receiving reports; and
- 5 (b) that officer must then proceed in accordance with section 20 or 21.
- (3) If the information is in writing, the recording officer must —
- (a) immediately mark on it the date and time of receipt and, if practicable, the name and address of the person who gave the information; and
- 10 (b) if the information appears to be signed by the informant, file it as a report.
- (4) If the information is given orally and the recording officer considers it practicable to reduce it to writing immediately, he must ensure that —
- 15 (a) the date and time of his receipt of the information;
- (b) the name and address of the informant;
- (c) the information given by the informant; and
- (d) such other particulars as the nature of the case may require, are recorded in a report.
- 20 (5) The informant, the recording officer and the interpreter (if any) must, where practicable, sign the report referred to in subsection (4).
- (6) If the information is given orally and it is impracticable for the recording officer to write it down immediately, he must —
- (a) make a note of the first information in the station diary; and
- 25 (b) if the offence to which the information relates is an arrestable offence, record a fuller statement from the informant under section 26 as soon as possible.
- (7) If requested, the recording officer or the officer referred to in subsection (2) must give a copy of the information recorded under this
- 30 section to the informant, upon payment of the prescribed fee.

### **Procedure in non-arrestable cases**

**20.**—(1) Where the information so received or recorded under section 19 relates to a non-arrestable offence —

- (a) the case shall thereupon be investigated by a police officer;
- 5 (b) the informant shall, by order of a police officer, be referred to a Magistrate; or
- (c) the police may proceed in accordance with section 15 of the Community Mediation Centres Act (Cap. 49A).

(2) In investigating such a case, a police officer may, by order of the Public Prosecutor or a Magistrate, exercise any of the special powers of investigation under sections 24, 25, 26, 38, 43 and 115.

(3) A police officer receiving an order of the Public Prosecutor or a Magistrate as referred to in subsection (2) may exercise the same powers in respect of the investigation, except the power to arrest without warrant, as he may exercise without an order in an arrestable case.

(4) Any informant referred to a Magistrate under subsection (1) shall be supplied with a copy of any report filed or recorded under section 19 on which shall be endorsed the name of the police station at which the information was received.

(5) A police officer who —

- (a) decides neither to investigate nor to refer a case to the Magistrate; or
- (b) refers any case to the Magistrate under subsection (1),

must record the reason for so doing in the station diary, or any investigation diary or pocketbook maintained by him.

### **Procedure when arrestable offence is suspected**

**21.**—(1) If, from information received or otherwise, a police officer has reason to suspect that an arrestable offence has been committed at any place, the police officer must, or if he is unable to attend to the case, another police officer acting in his place must —

- (a) go as soon as practicable to the place to investigate the facts and circumstances of the case; and

(b) try to find the offender and, if appropriate, arrest him and report the case to the Public Prosecutor.

(2) Notwithstanding subsection (1) —

5 (a) if the police officer has reason to believe that the case is not of a serious nature, there shall be no need to go to the place to investigate the facts and circumstances of the case; or

(b) if the police officer has reason to believe that there are insufficient grounds for proceeding with the matter, there shall be no need to proceed with the investigation.

10 (3) In each of the cases mentioned in subsection (2)(a) and (b), the police officer receiving the information shall state in his report his reason for not fully complying with subsection (1).

### **Investigation in arrestable cases**

15 **22.**—(1) A police officer may exercise all or any of the special powers of investigation under sections 24, 25, 26, 38, 43 and 115 when investigating any arrestable case.

(2) The action of a police officer in such a case may not be called into question at any time on the ground that he lacked authority under this section to exercise the special powers of investigation under sections 24, 20 25, 26, 38, 43 and 115.

### **Diary of proceedings in investigation**

**23.**—(1) A police officer conducting any investigation under this Part must keep a daily diary of his progress, setting out —

(a) the time at which any order for investigation reached him;

25 (b) the times at which he began and closed his investigation;

(c) the places he visited; and

(d) the findings of his investigations.

(2) Notwithstanding anything in the Evidence Act (Cap. 97), an accused is not entitled to call for or inspect such a diary before or during an inquiry, trial or other proceeding under this Code.

30 (3) Where, for the purposes of section 161 or 162 of the Evidence Act, the police officer who made the investigation refers to the diary, then —

- (a) the accused may be shown only the entries in the diary that the officer or prosecutor has referred to; and
- (b) the prosecutor must conceal or obliterate any other entries.

### **Power to order production of any document or other thing**

5     **24.**—(1) Where a police officer considers that a document or other thing is necessary or desirable for any investigation, inquiry, trial or other proceeding under this Code, he may, subject to subsection (2), issue a written order to the person in whose possession or power the document or thing is believed to be, to require that person to produce the document or  
10     thing at the time and place stated in the order.

(2) A written order under subsection (1) for the production of customer information by a bank may only be made by an investigation officer.

(3) If any document or thing in the custody of a postal authority is, in the opinion of the Public Prosecutor, required for any investigation,  
15     inquiry, trial or other proceeding under this Code, he may require the Postal Authority or a public postal licensee within the meaning of the Postal Services Act (Cap. 237A) to deliver that document or thing to the person whom the Public Prosecutor so requires it to be delivered.

(4) If a person is required merely to produce any document or thing,  
20     he may comply with such requirement by causing the document or thing to be produced instead of bringing it in person.

(5) This section does not affect any provision of the Evidence Act (Cap. 97).

(6) In this section, “customer information” has the same meaning as in  
25     the Banking Act (Cap. 19).

### **Power to require attendance of witnesses**

30     **25.**—(1) In discharging his duties under this Part, a police officer may issue a written order requiring anyone within the limits of Singapore, whom he believes to have some knowledge of the facts and circumstances of the case to attend before him and that person must attend as required.

(2) If that person fails to attend as required, the police officer may report the matter to a Magistrate who may then, in his discretion, issue a warrant ordering the person to attend.

### **Power to examine witnesses**

**26.**—(1) In an investigation under this Part, a police officer may examine orally any person whom he believes to have some knowledge of the facts and circumstances of the case —

- 5           (a) whether before or after that person or anyone else is charged with an offence in connection with the case; and
- (b) whether or not that person is to be called as a witness in any inquiry, trial, or other proceeding under this Code in connection with the case.

10       (2) The person examined shall be bound to state truly what he knows of the facts and circumstances of the case, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person under this section must —

- (a) be in writing;
- 15           (b) be read over to him;
- (c) state the date and time during which the statement was made to the recording officer, and interpreted by the interpreter, if applicable;
- (d) if the person making the statement does not understand English, be interpreted to him in his own language or in a language he understands; and
- 20           (e) be signed by the maker of the statement.

(4) If a statement is made outside a police station and compliance with subsection (3) is not reasonably practicable, the police officer who examined the person must ensure that that subsection is complied with as soon as reasonably practicable afterwards.

25

### **Cautioned statements**

**27.**—(1) If, during an investigation, a person is charged with an offence or informed by an investigation officer that he may be prosecuted for an offence, he must be served with and have read to him a notice in writing as follows:

30

“You have been charged with [or informed that you may be prosecuted for] —

(set out the charge).

5 “Do you want to say anything about the charge that was just read to you? If you keep quiet now about any fact or matter in your defence and you reveal this fact or matter in your defence only at your trial, the judge may be less likely to believe you. This may have a bad effect on your case in court. Therefore it is better for you to mention such fact or matter now. If you wish to do so, what you say will be written down, read back to you for any mistakes to be corrected and then signed by you.”

10 (2) When after the notice under subsection (1) is read to a person referred to in that subsection that person —

- (a) remains silent; or
- (b) says or does anything which intimates his refusal to give a statement,

15 the fact of his remaining silent or his refusal to give the statement or his action must be recorded.

(3) A statement made by any person under this section must —

- (a) be in writing;
- 20 (b) be read over to him;
- (c) state the date and time during which the statement was made to the recording officer, and interpreted by the interpreter, if applicable;
- (d) if the person making the statement does not understand English, be interpreted to him in his own language or in a language he understands; and
- 25 (e) be signed by the maker of the statement.

30 (4) No statement made by a person under this section in answer to a written notice served on him under subsection (1) shall be construed as a statement caused by any threat, inducement or promise as is described in section 216(2), if it is otherwise voluntary.

*Division 3 — Search and seizure***When search warrant may be issued**

**28.** A court may issue a search warrant if —

- 5 (a) the court has reason to believe that a person who has been or may be sent an order under section 24(1) or a requisition under section 24(3) would not produce the document or other thing as required by the order or requisition;
- (b) it is not known who possesses that document or thing; or
- 10 (c) the court considers that a general or specific search or inspection will serve the purposes of justice or of any investigation, inquiry, trial or other proceeding under this Code.

**Search of house suspected to contain stolen property, forged documents, etc.**

15 **29.** If a court upon information and after such inquiry as it thinks necessary has reason to believe that any place is used —

- 20 (a) for the deposit or sale of stolen property or of property unlawfully obtained or of goods in respect of which an offence has been committed under sections 4, 5 and 6 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act (Cap. 53);
- (b) for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin or instruments or materials for counterfeiting coin or stamps or for forging; or
- 25 (c) for the concealing, keeping or depositing of any stolen property or property unlawfully obtained, forged documents, false seals or counterfeit stamps or coin or instruments or materials used for counterfeiting coin or stamps or for forging,

the Court may by warrant authorise the person to whom it is directed to —

- 30 (i) enter that place with such assistance as may be required;
- (ii) search it in the manner, if any, specified in the warrant;
- (iii) take possession of any goods, property, documents, seals, stamps or coins found in it which he reasonably suspects to be the subject of an offence committed under sections 4, 5 and 6 of the

Consumer Protection (Trade Descriptions and Safety Requirements) Act or to be stolen, unlawfully obtained, forged, false or counterfeit and also of any such instruments and materials as aforesaid;

- 5 (iv) convey such goods, property, documents, seals, stamps, coins, instruments or materials before a Magistrate's Court, or to guard the same on the spot until the offender is taken before a Magistrate's Court or otherwise to dispose thereof in some place of safety; and
- 10 (v) take into custody and produce before a Magistrate's Court every person found in that place who appears to have been privy to the deposit, sale or manufacture or keeping of any such goods, property, documents, seals, stamps, coins, instruments or materials knowing or having reasonable cause to suspect the
- 15 goods to have been the subject of an offence committed under sections 4, 5 and 6 of the Consumer Protection (Trade Descriptions and Safety Requirements) Act or the property to have been stolen or otherwise unlawfully obtained, or the documents, seals, stamps or coins to have been forged, falsified
- 20 or counterfeited or the instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

### **Setting aside search warrant**

25 **30.**—(1) A court issuing a search warrant may suspend or cancel the warrant if there are good reasons to do so.

(2) Any suspension or cancellation of a search warrant must be immediately notified to the applicant for the search warrant.

### **Form of search warrant**

30 **31.**—(1) A search warrant issued by a court must be issued under its seal and signed by a Magistrate or District Judge or, in the case of the High Court, by a Judge of the High Court or by the Registrar of the Supreme Court.

35 (2) A search warrant must ordinarily be issued to the Commissioner of Police or to some other police officer to be designated by name in the warrant, and all or any of those officers may execute it.

(3) The court may in appropriate circumstances grant a search warrant to one or more named individuals who are not police officers, and all or any of those persons may execute it.

5 (4) The court may, if it thinks fit, specify in a search warrant the particular place or part of it to be searched or inspected, and the person charged with executing the warrant must then search or inspect only the specified place or part.

10 (5) A search warrant is subject to such conditions as may be specified by the court and shall remain in force for the number of days stated in the warrant.

#### **When search warrant issued to person other than police officer**

15 **32.**—(1) If a search warrant is issued under section 31(3) to a person other than a police officer, the court may, subject to subsection (2), specify in the warrant such conditions as it deems necessary for the proper execution of the warrant and the prevention of breaches of the peace.

(2) The court must, however, specify the following conditions in the search warrant:

- 20 (a) a list or description of the documents or things, or class of documents or things, that the person executing the search warrant may seize pursuant to the search;
- (b) whether section 35(2) applies, and if so, the extent of application; and
- 25 (c) the amount of bond that the person executing the warrant must sign to ensure that the warrant is properly executed and the peace is kept.

#### **Execution of search warrant**

**33.**—(1) The person granted a search warrant must conduct the search in accordance with the warrant and with this Code.

30 (2) Entry and search under a search warrant must be conducted during such time as may be specified in the warrant.

(3) If the occupier of a place to be entered and searched is present when the person granted the search warrant seeks to execute it, the person granted the warrant must —

- (a) identify himself to the occupier and:

(i) if he is a police officer, show the occupier documentary evidence that he is such a police officer; or

(ii) if he is not a police officer, show the occupier his original identity card or travel document as proof that he is such a person;

5

(b) show the occupier the warrant; and

(c) if requested, give the occupier a copy of it.

(4) If the occupier is not present when the person granted the search warrant seeks to execute it, but some other person who appears to be in charge of the place is present, then subsection (3) applies to him as if he were the occupier.

10

(5) If a search warrant is issued by a court under section 31(3), the person named in the warrant must, after the warrant has been duly executed, report that fact to the court and submit the list prepared under section 41(1).

15

### **Search for persons wrongfully confined**

**34.**—(1) A court may issue a search warrant if there is reason to believe that a person is confined in a way that amounts to an offence.

(2) The police officer or person granted the search warrant may search for the confined person in accordance with the terms of the warrant.

20

(3) The confined person, if found, must as soon as reasonably practicable, be taken before the court, and the court shall make an order that is appropriate in the circumstances.

(4) If information is given to an investigation officer that there is reasonable cause for suspecting that any person is unlawfully confined in a place, and he has reason to believe that a delay in obtaining a search warrant is likely to hinder the rescue of the confined person or the arrest of the person responsible for confining him, that officer may immediately proceed to enter and search the place without a search warrant.

25

### **Persons in charge of closed place to allow search**

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**35.**—(1) Where a police officer or other person executing any search under this Part demands entry or access to a place liable to search under this Part, the occupier or any person in charge of the place must allow him free entry or access and provide all reasonable facilities for a search in it.

(2) If free entry or access to that place cannot be obtained under subsection (1), it shall be lawful in any case for the police officer or any other person executing the search warrant to break open any outer or inner door or window of any place or to use any other reasonable means in order to gain entry or access into the place.

### **Search without warrant for stolen property**

**36.**—(1) If information is given to any investigation officer that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any place and he has good ground for believing that by reason of the delay in obtaining a search warrant such property is likely to be removed, he may search for the property alleged to have been stolen in the place specified without a search warrant.

(2) A list of the articles stolen or missing shall be delivered or taken down in writing with a declaration stating that an offence of theft, extortion, robbery, criminal misappropriation, criminal breach of trust or cheating has been committed and that the informant has good ground for believing that the property is deposited in that place.

(3) The person who lost the property or his representative shall accompany the investigation officer in the search unless that person or his representative cannot be found without unreasonable delay.

(4) In this section, “stolen property” has the same meaning as in section 410 of the Penal Code (Cap. 224).

### **Summary search**

**37.**—(1) The Commissioner of Police may authorise any police officer in writing to enter any place in the circumstances mentioned in subsection (3) to look for stolen property and to seize and secure any property which the police officer believes to have been stolen as if the police officer had a search warrant for the property seized.

(2) If any property is seized under this section, the person in whose place it was seized or the person from whom it was seized, unless previously charged with the offence of receiving the property, must be summoned before a Magistrate’s Court to account for his possession of the property; and the court must then order the disposal of the property as the justice of the case requires.

(3) The circumstances mentioned in subsection (1) are —

(a) when the place to be searched is, or has been in the preceding 12 months, occupied or used by any person who has been convicted of the offence of receiving stolen property or of harbouring thieves; or

5 (b) when the place to be searched is occupied or used by any person who has been convicted of any offence involving fraud or dishonesty punishable with imprisonment.

10 (4) In authorising any police officer under subsection (1), it is not necessary for the Commissioner of Police to specify any particular property if he has reason to believe generally that the place to be searched is being made a storage for stolen property.

### **Search by police officer in arrestable case**

15 **38.**—(1) A police officer investigating an arrestable offence may, without a search warrant, search or cause a search to be made for a document or other thing in any place if —

20 (a) he considers that he needs the document or thing for his investigation and if he has reason to believe that a person who has been or may be issued with an order under section 24 will not or would not produce the document or thing as directed in the order;

(b) he has reason to believe that the document or thing is likely to be removed; or

(c) it is not known who possesses the document or thing.

25 (2) The police officer shall, if reasonably practicable, conduct the search in person.

(3) If he is unable to conduct the search in person and no other person competent to make the search is present at the time, he may require any other police officer to make the search in accordance with his written instructions.

30 (4) The provisions of this Code relating to search warrants shall, with the necessary modifications, apply to a search made under this section.

### **Powers to seize property in certain circumstances**

**39.**—(1) A police officer may seize or prevent the disposal of any property —

- (a) in respect of which an offence is suspected to have been committed;
- (b) which is suspected to have been used or intended to be used to commit an offence; or
- 5 (c) which is suspected to constitute evidence of an offence.

(2) If the property liable to be seized under subsection (1) is held or suspected to be held in an account or a safe deposit box in a financial institution, an investigation officer may, by written order —

- 10 (a) direct the financial institution to deliver the property to any police officer; or
- (b) direct the financial institution not to —
  - (i) pay any moneys out of such account;
  - (ii) pay any cheque drawn on such account; or
  - (iii) allow any other dealings with the moneys in such account,
- 15 for such period as may be specified in the order.

(3) A police officer to whom any property has been delivered under subsection (2)(a) must, as soon as is reasonably practicable, make a report of his receipt of the property at a police station.

20 (4) A financial institution which complies with an order of an investigation officer under subsection (2)(b) shall be relieved of any liability to any other person in respect of any payment or other dealing with the money in the account which is prohibited by the order.

25 (5) Where any moneys held in an account in a financial institution are subject to a written order made by an investigation officer under subsection (2)(b) —

- (a) any interest or other earnings on such account or any other payments may be credited into such account after the date on which the written order was made; and
- 30 (b) any such interest, other earnings or payments shall be deemed to be subject that same written order.

(6) Any financial institution which contravenes an order of an investigation officer under subsection (2)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

(7) In this section —

- (a) “financial institution” has the same meaning as the Corruption, Drug Trafficking and other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A);
- 5 (b) property in respect of which an offence is suspected to have been committed includes not only such property as was originally in the possession or under the control of any person, but also any property into or for which it has been converted or exchanged and anything acquired by such conversion or exchange, whether  
10 immediately or otherwise.

**Forfeiture of counterfeit coin or counterfeit currency note or bank note, etc.**

**40.**—(1) Any investigation officer upon being satisfied that any person has in his possession —

- 15 (a) any counterfeit coin or current coin or any die, instrument or material for the purpose of counterfeiting any coin or current coin; or
- (b) any forged or counterfeit currency note or bank note or any machinery, instrument or material used for the forging or  
20 counterfeiting of any currency note or bank note,

may, without warrant and with or without assistance, enter and search any place where any such coin, currency note or bank note or any such die, machinery, instrument or material is kept and seize all such coins, notes, die, machinery, instrument or material.

- 25 (2) Anything seized under subsection (1) shall, by order of the court before which any person is tried relating to such possession, or where there is no trial, by order of a Magistrate, be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

- 30 (3) In this section, “coin”, “current coin”, “die” and “instrument” have the same meanings as in the Penal Code (Cap. 224).

### **List of all things seized to be made and signed**

**41.**—(1) A police officer or any other person making a search under this Code must prepare and sign a list of all things seized during the search, recording the location where each such thing is found.

5 (2) In every case, the occupier or person in charge of the place searched, or a person acting on his behalf, may attend during the search, and must be given a signed copy of the list.

### **Power of court to impound document or other thing produced**

10 **42.** A court may, if it thinks fit, impound any document or other thing taken under this Code and produced before it.

### **Power to access computer**

**43.**—(1) A police officer or an authorised person, investigating an arrestable offence, may at any time —

15 (a) access, inspect and check the operation of a computer that he has reasonable cause to suspect is or has been used in connection with the arrestable offence; or

(b) use or cause to be used any such computer to search any data contained in or available to such computer.

20 (2) The police officer or authorised person may also require any assistance he needs to gain such access from —

(a) any person whom he reasonably suspects of using the computer in connection with the arrestable offence or of having used it in this way; or

25 (b) any person having charge of, or otherwise concerned with the operation of, such computer.

(3) Any person who obstructs the lawful exercise by a police officer or an authorised person of the powers under subsection (1) or who fails to comply with any requirement of the police officer or authorised person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) An offence under subsection (3) shall be an arrestable offence.

(5) A person who had acted in good faith under subsection (1) or in compliance with a requirement under subsection (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

5 (6) In this section and section 44 —

“authorised person” means a person authorised in writing by the Commissioner of Police for the purposes of this section, section 44 or both;

10 “computer” has the same meaning as in the Computer Misuse Act (Cap. 50A).

### **Power to access decryption information**

15 **44.**—(1) For the purposes of investigating an arrestable offence, the Public Prosecutor may by order authorise a police officer or an authorised person to exercise, in addition to the powers under section 43, all or any of the powers under this section.

(2) The police officer or authorised person referred to in subsection (1) shall be entitled to —

20 (a) access any information, code or technology which has the capability of retransforming or unscrambling encrypted data into readable and comprehensible format or text for the purposes of investigating the arrestable offence;

(b) require —

25 (i) any person whom he reasonably suspects of using a computer in connection with an arrestable offence or of having used it in this way; or

(ii) any person having charge of, or otherwise concerned with the operation of, such computer,

30 to provide him with such reasonable technical and other assistance as he may require for the purposes of paragraph (a); and

(c) require any person whom he reasonably suspects to be in possession of any decryption information to grant him access to such decryption information as may be necessary to decrypt any

data required for the purposes of investigating the arrestable offence.

(3) Any person who obstructs the lawful exercise by a police officer or an authorised person of the powers under subsection (2)(a) or who fails to  
5 comply with any requirement of the police officer or authorised person under subsection (2)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Where a person is convicted of an offence under subsection (3) and  
10 it is shown that the encrypted data contains evidence relevant to the planning, preparation or commission of a specified serious offence, he shall, in lieu of the punishment prescribed under subsection (3) —

(a) be liable to be punished with the same punishment prescribed for that specified serious offence, except that the punishment  
15 imposed shall not exceed a fine of \$50,000 or imprisonment for a term not exceeding 10 years or both; or

(b) be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both where the specified  
20 serious offence is punishable on conviction with death or imprisonment for life.

(5) For the purposes of subsection (4) and subject to subsection (6), “specified serious offence” means an offence under any of the following written laws:

(a) any written law which provides for any offence involving the  
25 causing of death or bodily harm;

(b) any written law relating to actions or the threat of actions prejudicial to national security;

(c) any written law relating to radiological or biological weapons;

(d) the Arms and Explosives Act (Cap. 13);

(e) the Chemical Weapons (Prohibition) Act (Cap. 37B);  
30

(f) the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);

(g) the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124);

- (h) the Kidnapping Act (Cap. 151);
- (i) the Maritime Offences Act (Cap. 170B);
- (j) the Official Secrets Act (Cap. 213);
- (k) the Protected Areas and Protected Places Act (Cap. 256);
- 5 (l) the Statutory Bodies and Government Companies (Protection of Secrecy) Act (Cap. 319);
- (m) the Strategic Goods (Control) Act (Cap. 300);
- (n) the Terrorism (Suppression of Financing) Act (Cap. 325);
- (o) the United Nations (Anti-Terrorism Measures) Regulations (Cap. 339, Rg 1); and
- 10 (p) such other written law as the Minister may, by order published in the *Gazette*, specify.

(6) No offence shall be treated as a specified serious offence unless the maximum punishment prescribed for that offence, whether for a first or subsequent conviction, is —

- (a) imprisonment for a term of 5 years or more;
- (b) imprisonment for life; or
- (c) death.

(7) In proceedings against any person for an offence under this section, if it is shown that that person was in possession of any decryption information at any time before the time of the request for access to such information, that person shall be presumed for the purposes of those proceedings to have continued to be in possession of that decryption information at all subsequent times, unless it is shown that the decryption information —

- (a) was not in his possession at the time the request was made; and
- (b) continued not to be in his possession after the request was made.

(8) A person who had acted in good faith or in compliance with a requirement under subsection (2) shall not be liable in any criminal or civil proceedings for any loss or damage resulting from the act.

(9) In this section —

“data” means representations of information or of concepts that are being prepared or have been prepared in a form suitable for use in a computer;

5 “decryption information” means information, code or technology or part thereof that enables or facilitates the retransformation or unscrambling of encrypted data from its unreadable and incomprehensible format to its plain text version;

10 “encrypted data” means data which has been transformed or scrambled from its plain text version to an unreadable or incomprehensible format, regardless of the technique utilised for such transformation or scrambling and irrespective of the medium in which such data occurs or can be found for the purposes of protecting the content of such data;

15 “plain text version” means the original data before it has been transformed or scrambled to an unreadable or incomprehensible format.

## PART V

### PREVENTION OF OFFENCES

#### *Division 1 — Security for keeping peace and for good behaviour*

20

#### **Security for keeping peace on conviction**

**45.**—(1) When a person is charged with and convicted of —

- (a) rioting, assault or any other breach of the peace or abetting any such offence;
- 25 (b) an offence under section 143, 144, 145, 153, 504 or 510 of the Penal Code (Cap. 224) or under section 13A, 13B, 13C or 13D of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184);
- (c) assembling armed men or taking other unlawful measures for  
30 such purpose; or
- (d) committing criminal intimidation by threatening injury to any person or property,

and the court before which he is convicted believes that that person must execute a bond for keeping the peace, then the court may, at the time of passing sentence on that person, or instead of any sentence, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace for a period not exceeding 2 years.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed becomes void.

### **Security for keeping peace by complainant**

46.—(1) If, during or after a trial, the court considers that a complainant is or has been behaving in such a way that he should be ordered to execute a bond to keep the peace, the court may require him to show cause why he should not be ordered to execute a bond to keep the peace for a period not exceeding 2 years.

(2) The evidence which the court relies on under subsection (1) must be read to the complainant, but it shall not be necessary to recall any witness unless he desires to cross-examine the witness.

(3) The court may deal with this proceeding either as part of the case out of which it has arisen or as a separate proceeding.

### **Security for keeping peace generally**

47. If it appears to a court that a person is likely to breach the peace or do a wrongful act that might lead to a breach of the peace, the court may require that person to show cause why he should not be ordered to execute a bond to keep the peace for a period not exceeding 2 years.

### **Security for good behaviour from suspected offenders, etc.**

48.—(1) A court may require a person to show cause why he should not be ordered to execute a bond for his good behaviour for a period not exceeding 2 years, if it appears to the court that —

- (a) the person is trying to conceal his presence and there is reason to believe that he is doing so with a view to committing an offence;
- (b) the person has no apparent means of supporting himself or is unable to give a satisfactory account of himself; or
- (c) the person orally or in writing disseminates or tries to disseminate or in any way helps to disseminate —

- 5 (i) any seditious matter, that is to say, any matter whose publication is punishable under the Sedition Act (Cap. 290) or any material which forms the subject matter of a charge under section 267C, 298A or 505 of the Penal Code (Cap. 224); or
- (ii) any matter concerning a Judge or a judicial officer amounting to criminal intimidation or defamation under the Penal Code (Cap. 224).

10 (2) No proceeding shall be taken under subsection (1)(c) except with the consent of the Public Prosecutor.

### **Security for good behaviour from habitual offenders**

**49.** A court may require a person to show cause why he should not be ordered to execute a bond for his good behaviour for a period not exceeding 2 years, if it appears to the court that —

- 15 (a) the person habitually commits offences;
- (b) the person habitually associates with robbers, housebreakers, thieves, prostitutes or people who have no apparent means of subsistence; or
- 20 (c) the person is so desperate or dangerous as to pose a risk to the community when at large.

### **Order to show cause**

**50.** Where a court acting under section 46, 47, 48 or 49 considers it necessary to require any person to show cause under the section, it must make an order in writing setting out —

- 25 (a) any information received;
- (b) the amount of the bond to be executed;
- (c) how long the bond will be in force; and
- (d) the number of sureties, if any, required.

### **Procedure in respect of person subject to order**

30 **51.**—(1) If the person subject to an order under section 50 is present in court, the order must be read to him or, if he wishes, explained to him.

(2) If the person subject to the order is not present in court, the court must issue a summons requiring him to appear or, if he is in custody, a warrant instructing the officer in whose custody he is to bring him before the court.

5 (3) The court may issue a warrant for a person's arrest if the court is satisfied that, based on a police officer's report or other information, there is reason to fear a breach of the peace and that this can be prevented only by the person's immediate arrest.

10 (4) A copy of the order under section 50 must accompany every summons or warrant issued under subsection (2) or (3).

(5) The copy of the order must be delivered by the officer serving or executing the summons or warrant to the person served with or arrested under it.

#### **Attendance of person required to execute bond**

15 **52.** The court may, if it has good reasons, dispense with the personal attendance of a person subject to an order under section 50, and permit him to appear by an advocate.

#### **Inquiry as to truth of information**

20 **53.—**(1) When an order under section 50 has been read or explained under section 51(1) to a person present in court or when a person appears or is brought before the court in compliance with a summons or in execution of a warrant under section 51, the court must then inquire into the truth of the information on which it has acted and will take further evidence as appears necessary.

25 (2) The inquiry must follow as closely as practicable the procedure prescribed in this Code for conducting trials, except that no charge need be framed.

(3) For the purposes of this section, a person's habitual offending may be proved by evidence of his general reputation or in other ways.

#### **Order to give security**

30 **54.—**(1) If after an inquiry under section 53, the court is satisfied that the person subject to the order must execute a bond in order to keep the peace or maintain good behaviour, the court must make such order as is appropriate.

(2) The bond may be with or without sureties and —

(a) must not be larger than the amount or longer than the period specified in the order made under section 50; and

5 (b) the amount of the bond must be fixed with due regard to the circumstances of the case and shall not be excessive but must be such as to afford the person against whom the order is made a fair chance of complying with it.

(3) If the court is satisfied that a bond is not necessary, the court must release the person subject to the order.

10 *Division 2 — Proceedings following order to provide security*

### **Start of period for which security is required**

15 **55.**—(1) If any person subject to an order under section 45 or 54 is, at the time the order is made, sentenced to or undergoing imprisonment, the period for which the security is required will begin at the end of that sentence.

(2) In all other cases the period will begin on the date of the order.

### **Contents of bond**

**56.**—(1) The bond to be executed by any such person shall, as the case may be, bind him:

20 (a) to keep the peace; or

(b) to be of good behaviour.

(2) In the case of subsection (1)(b), it is a breach of the bond to commit, attempt to commit or abet the commission of an offence punishable with imprisonment, wherever it is committed.

### **Power to reject sureties**

25 **57.** A court may, in its discretion, refuse to accept any particular person offered as surety under this Part.

### **Imprisonment in default of security**

30 **58.**—(1) If a person ordered to give security under section 45 or 54 fails to do so by the date on which the period for the security is to begin, the

court may commit him to prison for a period not exceeding the period for which the security is ordered to be given.

(2) If he is already in prison, he shall stay there until the end of the term that the court has determined under subsection (1) or until he gives the security as ordered, whichever is earlier.

### **Power to release person imprisoned for failing to give security**

**59.** When a court decides that a person imprisoned for failing to give security under this Part may be released without danger to the community or to another person, the court may order that person to be released.

### **Discharge of sureties**

**60.—**(1) Any surety for the peaceable conduct or good behaviour of a person may at any time apply to a court to cancel any bond executed under this Part.

(2) On receiving the application, the court must issue a summons or warrant, as it thinks fit, requiring the person for whom that surety is bound to appear or to be brought before it.

(3) When that person comes before the court, the court must cancel the bond and order him to provide adequate security for the remaining term of the bond.

(4) Every such order referred to in subsection (3) shall be treated as made under section 45 or 54 and in such a case, sections 56 to 59 shall apply accordingly.

## *Division 3 — Unlawful assemblies*

### **Who may order unlawful assembly to disperse**

**61.** A police officer may command an unlawful assembly or an assembly of 5 or more people likely to cause a disturbance of the public peace to disperse, and the members of the assembly must then disperse.

### **When unlawful assembly may be dispersed by use of civil force**

**62.—**(1) If any such assembly does not disperse as commanded, or shows a determination not to disperse, any police officer may disperse the assembly by force and may require any male civilian to help and, if necessary, to arrest and confine the participants.

(2) In this section, “civilian” means any person who is not a regular serviceman, full-time national serviceman or operationally ready national serviceman ordered to report for service in the Singapore Armed Forces.

### **Use of military force**

5     **63.** If any such assembly cannot be otherwise dispersed and it is necessary for the public security that it should be dispersed, the Minister or the Commissioner of Police or a Deputy Commissioner of Police may cause it to be dispersed by military force.

### **Minister or Commissioner of Police or Deputy Commissioner of Police may require any officer in command of troops to disperse unlawful assembly**

10     **64.**—(1) When the Minister or the Commissioner of Police or a Deputy Commissioner of Police determines to disperse any such assembly by military force, he may require any commissioned or non-commissioned officer in command of any sailors, soldiers or airmen in the Singapore Armed Forces or in any visiting force lawfully present in Singapore to disperse the assembly by military force and to arrest and confine the persons forming part of it as the Minister or Commissioner of Police or the Deputy Commissioner of Police directs or as it may be necessary to  
15     arrest and confine in order to disperse the assembly or to have them punished according to law.

20     (2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property as is consistent with dispersing the assembly and  
25     arresting and detaining those persons.

### **When commissioned officer may disperse unlawful assembly by military force**

30     **65.** When the public security is manifestly endangered by any such assembly and when neither the Minister nor the Commissioner of Police nor a Deputy Commissioner of Police can be communicated with, any commissioned officer in the Singapore Armed Forces or in any visiting force lawfully present in Singapore may disperse such assembly by military force and may arrest and confine the persons forming part of it as it may be necessary to arrest and confine in order to disperse the assembly  
35     or to have them punished according to law, but if while he is acting under this section it becomes practicable for him to communicate with the

Minister, the Commissioner of Police or a Deputy Commissioner of Police, he shall do so and thereafter obey the instructions of the Minister, the Commissioner of Police or the Deputy Commissioner of Police as to whether he shall or shall not continue the action.

5 **Protection against prosecution for acts done under this Chapter**

10 **66.** No prosecution against the Minister or any police officer or officer, sailor, soldier or airman in the Singapore Armed Forces or in any visiting force lawfully present in Singapore for any act purporting to be done under this Chapter shall be instituted in any criminal court except with the sanction of the President; and —

- (a) no police officer acting under this Chapter in good faith;
- (b) no officer acting under section 65 in good faith;
- (c) no person doing any act in good faith in compliance with a requisition under section 62 or 64; and
- 15 (d) no inferior officer, sailor, soldier or airman or member of any of the Singapore Armed Forces or of any visiting force lawfully present in Singapore doing any act in obedience to any order which under naval, military or air force law he was bound to obey,
- 20 shall be deemed thereby to have committed an offence.

*Division 4 — Preventive action of police*

**Prevention of offences and use of lethal force by police**

25 **67.—**(1) Any police officer who has reasonable grounds to suspect that any offence may be committed may interpose for the purpose of preventing and must, to the best of his ability, use all lawful means to prevent the commission of the offence.

(2) A police officer may do anything likely to cause the death of, or grievous hurt to, any person if the police officer has reasonable grounds to believe that —

- 30 (a) the person (whether acting alone or in concert with any other person) is doing or about to do, or is preparing to do, something which may amount to a terrorist act; and

(b) doing that thing by the police officer is necessary to apprehend the person.

(3) In this section —

“lawful means” includes removing a person from any place and taking away any thing which the person has in his possession which the police officer reasonably suspects is intended to be used in the commission of the offence;

“terrorist act” means the use or threat of action —

(a) where the action —

(i) involves serious violence against a person or which endangers a person’s life;

(ii) involves serious damage to any building or structure;

(iii) creates a serious risk to the health or the safety of the public or a section of the public;

(iv) involves the use of firearms or explosives; or

(v) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to —

(A) any dangerous, hazardous, radioactive or harmful substance;

(B) any toxic chemical; or

(C) any microbial or other biological agent, or toxin; and

(b) where the use or threat is intended or reasonably regarded as intending to —

(i) influence or compel the Government, any other government, or any international organisation to do or refrain from doing any act; or

(ii) intimidate the public or a section of the public.

## PART VI

ARREST AND BAIL AND PROCESSES  
TO COMPEL APPEARANCE*Division 1 — Arrest without warrant*5 **When arrest may be made without warrant**

**68.**—(1) Any police officer may, without a warrant, arrest any person who —

- 10 (a) has been concerned in an arrestable offence or is reasonably suspected of having been involved in one, or against whom a reasonable complaint has been made or credible information has been received of his having been so concerned or involved;
- (b) possesses a housebreaking tool without being able to provide a lawful excuse for having it;
- (c) has been proclaimed as an offender under section 92;
- 15 (d) possesses anything that may reasonably be suspected to be stolen or fraudulently obtained property, and who may reasonably be suspected of having committed an offence in acquiring it;
- (e) obstructs a police officer while doing his duty or who has escaped or tries to escape from lawful custody;
- 20 (f) is reasonably suspected of being a deserter from any force referred to in section 140B of the Penal Code or to which Chapter VII of that Code may be extended;
- (g) is trying to conceal his presence in circumstances that suggest he is doing so with a view to committing an arrestable offence;
- 25 (h) has no apparent means of subsistence or who cannot give a satisfactory account of himself;
- (i) is known to be a habitual robber, housebreaker or thief, or a habitual receiver of stolen property knowing it to be stolen, or who is known to habitually commit extortion or to habitually put or attempt to put persons in fear of injury in order to commit  
30 extortion;

- (j) commits or attempts to commit a breach of the peace in the police officer's presence;
- (k) is known to be planning to commit an arrestable offence, if it appears to the police officer that the offence cannot otherwise be prevented;
- (l) is subject to police supervision and who has failed to comply with this Code or any other written law; or
- (m) has breached any detention order under any written law.

(2) This section does not affect any other law empowering a police officer to arrest without a warrant.

#### **Arrest on refusal to give name and residence to police officer**

**69.**—(1) A police officer may arrest any person who is accused of committing, or who commits in the presence of the police officer, an offence other than an arrestable offence if, on the demand of the police officer, he refuses to give his name and residential address.

(2) A police officer may arrest such a person who gives a residential address outside Singapore, or a name or residential address which the police officer has reason to believe is false.

(3) Any person arrested under this section must be brought to a police station as soon as reasonably practicable and may, if required by an investigation officer, be released upon signing a bond with or without surety to appear before a Magistrate.

(4) If the person refuses or is unable to sign the bond as required, he must, within 24 hours of the arrest (excluding the time necessary for the journey to a Magistrate's Court), be brought before a Magistrate's Court.

(5) The person who is brought before a Magistrate's Court under subsection (4) may —

- (a) be ordered to be detained in custody until he can be tried; or
- (b) if so required by the Magistrate, be released upon signing a bond, with or without surety to appear before a Magistrate's Court.

### **Arrest by private person**

**70.**—(1) Any private person may arrest any person who, in his sight or presence, commits an arrestable non-bailable offence, or who has been proclaimed as an offender under section 92.

5 (2) The private person must, without unnecessary delay, hand over the arrested person to a police officer or take him to a police station.

(3) If there is reason to believe that the arrested person comes under section 68, a police officer must re-arrest him.

10 (4) If there is reason to believe that the arrested person has committed an offence other than an arrestable offence and he refuses to give his name and residential address when required by a police officer, or gives a residential address outside Singapore, or a name or residential address that the police officer has reason to believe is false, he may be dealt with under section 69.

15 (5) If there is no reason to believe that the arrested person has committed any offence, he must be released at once.

(6) A person who commits an offence against any person (referred to in this subsection as the victim) or his property may, if —

- (a) his name and residential address are unknown;
- 20 (b) he gives a residential address outside Singapore; or
- (c) he gives a name or residential address which the victim or his employee or a person authorised by or acting in aid of either of them has reason to believe is false,

25 be apprehended by the victim, his employee, or by the person authorised by or acting in aid of either of them.

(7) The person apprehended under subsection (6) may be detained until he can be delivered into the custody of a police officer, and subsections (3), (4) and (5) shall thereafter apply.

30 (8) If any person being lawfully apprehended under subsection (6) forcibly resists the person by whom he is so apprehended, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **How arrested person is to be dealt with**

71. A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions of this Code on bail or previous release, take or send the person arrested before a Magistrate's Court.

### **Person arrested not to be detained more than 48 hours**

72.—(1) No police officer shall detain in custody a person who has been arrested without a warrant for a longer period than under all the circumstances of the case is reasonable.

(2) Such period shall not exceed 48 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

### *Division 2 — Arrest with warrant*

#### **Arrest of person subject to warrant**

73. A person subject to an arrest warrant may be arrested by a person authorised to execute the warrant or by a police officer.

#### **Warrant to whom directed**

74.—(1) An arrest warrant must ordinarily be directed to the Commissioner of Police or to the head or director of any law enforcement agency, or any person of a similar rank in such law enforcement agency, and may be executed by any police officer or any person appointed by the Commissioner of Police or the head or director of such law enforcement agency.

(2) The court issuing an arrest warrant may direct it to any person or persons by name or office and such person or persons may execute the warrant.

(3) When an arrest warrant is directed to more than one person, any or all of them may execute it.

#### **Form of arrest warrant**

75.—(1) An arrest warrant issued by a court under this Code must be in writing bearing the seal of the court and signed by a Magistrate or District

Judge, as the case may be, or, in the case of the High Court, by a Judge of the High Court or by the Registrar of the Supreme Court.

(2) The arrest warrant shall remain in force until it is executed, or cancelled by the court.

5 **Court may endorse on warrant the security to be taken**

10 **76.**—(1) A court issuing an arrest warrant may direct by endorsement on the warrant that, if the person subject to the arrest warrant executes a bond with sufficient sureties for his attendance at the next sitting of the court after the day of arrest and at every subsequent sitting until the court directs otherwise, then the person to whom the warrant is directed must accept these sureties and release the person subject to the arrest warrant from custody.

(2) The endorsement must state —

(a) the number of sureties; and

15 (b) the amount that the sureties and the person subject to the arrest warrant are respectively bound.

(3) When security is taken under this section, the person to whom the warrant is directed must, when required, send the bond to the court.

**Notification of substance of warrant**

20 **77.** The police officer or other person executing an arrest warrant must inform the arrested person of the content of the warrant and, if required, show him the warrant or a copy of it.

**Arrested person to be brought before court without delay**

25 **78.** Subject to section 76, the police officer or other person executing an arrest warrant must bring the arrested person to the court before which he is required by law to produce that person without unnecessary delay.

*Division 3 — General provisions for arrests  
with or without warrant*

**How to arrest**

5     **79.**—(1) In making an arrest, the police officer or other person must touch or confine the body of the person to be arrested unless he submits to arrest by word or action.

(2) If the person forcibly resists or tries to evade arrest, the police officer or other person may use all reasonable means necessary to make the arrest.

10    **No unnecessary restraint**

**80.** The person arrested must not be restrained more than is necessary to prevent his escape.

**Search of place entered by person sought to be arrested**

15    **81.**—(1) If a police officer with authority to arrest or a person acting under an arrest warrant has reason to believe that the person to be arrested is inside any place and demands entry to that place, any person living there or in charge of the place must allow him free entry and provide all reasonable facilities for a search in it.

20    (2) If entry to that place cannot be gained under subsection (1), it shall be lawful for a police officer with authority to arrest or a person acting under an arrest warrant to enter and search the place.

(3) In any case in which an arrest warrant may be issued but cannot be obtained without the risk of the person to be arrested escaping, a police officer may enter and search the place.

25    (4) After stating his authority and purpose and demanding entry to a place, a police officer with authority to arrest or a person acting under an arrest warrant who is unable to obtain entry may, for the purposes of subsection (2) or (3), break open any outer or inner door or window or use any other reasonable means to gain such entry.

30    **Search of person arrested and his premises**

**82.**—(1) Whenever —

(a) a person is arrested by a police officer under a warrant which does not provide for the taking of bail or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail; or

5 (b) a person is arrested without warrant by a private person under a warrant and the person arrested cannot legally be admitted to bail or is unable to furnish bail,

the police officer making the arrest or, when the arrest is made by a private person, the police officer to whom the private person makes over  
10 the person arrested, may search the person arrested and place in safe custody all articles other than necessary wearing apparel found upon him.

(2) A police officer investigating an arrestable offence under Part IV may —

15 (a) enter any place belonging to or under the control of any person who —

(i) is under arrest in connection with the offence;

(ii) is reasonably believed to be connected with the offence; or

(iii) is reasonably believed to have given shelter to the person under arrest; and

20 (b) search the place for any evidence of the offence.

### **Power to seize offensive weapons**

**83.** Any police officer or person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to a police station.

### **25 Search for name and address**

**84.** A person lawfully in custody who, because of incapacity from intoxication, illness, mental disorder, physical disability or infancy, cannot give a reasonable account of himself may be searched to find out his name and address.

### **30 Detention and search of persons in place searched**

**85.—**(1) Where a search for anything is lawfully made in any place in respect of any offence, every person found there may be lawfully detained until the search is completed.

(2) If the thing sought in a place can be concealed on a person, each person found in the place may be searched for it by or in the presence of an investigation officer.

### **Mode of freeing persons**

5     **86.** A police officer or other person authorised to make an arrest may break open a place to free himself or any other person who, having lawfully gone inside to make an arrest, is detained in it.

### **Mode of searching women**

10    **87.** Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

### **Power to pursue and arrest after escape or rescue**

15    **88.**—(1) If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued or any police officer may immediately pursue and arrest him for the purpose of returning him to the place where he was in lawful custody.

(2) Sections 81 and 86 shall apply to any arrest under subsection (1) even if the person making the arrest is not acting under an arrest warrant and is not a police officer having authority to arrest.

### **Release of arrested person**

20    **89.** A person arrested by a police officer must not be released except on his own bond or on bail or by order of a court, or of an investigation officer, in writing.

### **Public assistance in arrests**

25    **90.** Every person is bound to help a police officer or any other person authorised to make an arrest reasonably demanding his aid —

- (a) in arresting a person whom the police officer or other person is authorised to arrest;
- (b) in preventing a breach of the peace or in preventing any person from damaging any public property; or
- 30    (c) in suppressing a riot or an affray.

### **Assisting person other than police officer to execute warrant**

**91.** If a warrant is granted to a person who is not a police officer, any other person may help execute the warrant if the person to whom the warrant is granted is near at hand and engaged in executing it.

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#### *Division 4 — Proclamation and attachment*

### **Proclamation for person absconding**

**92.**—(1) If a court has reason to believe, whether after taking evidence or not, that a person against whom a warrant of arrest has been issued has absconded or is hiding so that the warrant cannot be executed, the court may publish a written proclamation requiring him to appear on a specified date and at a specified place and time after the date of publication.

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(2) The proclamation must be published —

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(a) in a daily newspaper;

(b) by leaving a copy of it at the person's last known address;

(c) by affixing a copy of it to any bulletin board in the court-house;

(d) by affixing a copy of it to the bulletin board in the office of the Town Council established under section 4 of the Town Councils Act (Cap. 329A) that is nearest to the person's last-known address; or

20

(e) by affixing a copy of it to a bulletin board of any community centre or clubhouse established under the People's Association Act (Cap. 227) that is nearest to the person's last known address.

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(3) A statement by the court issuing the proclamation stating that the proclamation was published on a specified day in a specified manner, or on a specified day at a specified place, is conclusive of that fact.

### **Attachment of property of person proclaimed**

**93.**—(1) After issuing a proclamation under section 92, the court may order the attachment of any property belonging to the proclaimed person.

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(2) If the property consists of debts or other movable property, the attachment may be made by all or any of the following methods:

(a) by seizure;

(b) by the appointment of a receiver; and

(c) by an order in writing prohibiting the delivery of the property to the proclaimed person or any person on his behalf.

5 (3) If the property to be attached is immovable property, the attachment may be made by all or any of the following methods:

(a) by taking possession;

(b) by the appointment of a receiver;

10 (c) by an order in writing prohibiting the payment of rent or delivery of any instrument of title to the proclaimed person or any person on his behalf.

(4) The powers, duties and liabilities of a receiver appointed under this section are the same as those of a receiver appointed by the High Court under its civil jurisdiction.

15 (5) An attachment of immovable property shall have no effect until the order of attachment is registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157), as the case may be.

20 (6) If the proclaimed person does not appear within the time specified in the proclamation, the attached property shall be at the disposal of the Government, but it must not be disposed of until the end of a reasonable period set by the court, having regard to the nature of the property.

### **Application for release of attached property**

**94.**—(1) Any person, including the person proclaimed, may apply to the court for the release of the property attached under section 93 or for the net proceeds of sale if sold.

25 (2) Such an application must be supported by an affidavit stating the reason for the release of the property or the net proceeds of the sale, and served on the Public Prosecutor.

30 (3) The court after hearing the parties may make such order as it thinks fit, including an order for the applicant to pay the costs of the proceeding and an order for costs to be awarded to an applicant whose property was wrongfully attached.

(4) An application under this section may not be made more than 3 years from the date of attachment or the sale, whichever is the later.

*Division 5 — Bails and bonds***Interpretation of this Division**

**95.** In this Division —

5 “released person” means any person who is released on bail or on his personal bond, as the case may be;

“surrender to custody”, in relation to a released person, means to surrender himself into the custody of the court or a police officer, according to the bail conditions at the time and place appointed for him to do so.

10 **When person must be released on bail or personal bond**

**96.**—(1) When any person except a person accused of a non-bailable offence —

(a) is arrested or detained without warrant by a police officer or appears or is brought before a court; and

15 (b) is prepared to give bail at any time while in the police officer’s custody or at any stage of the proceedings before the court,

the person must be released on bail by a police officer in cases determined by the Commissioner of Police or by that court.

20 (2) Instead of taking bail from the person, the police officer or the court may release him if he signs a personal bond without sureties.

**When person accused of non-bailable offence may be released on bail**

25 **97.**—(1) Subject to section 99(1), if any person accused of any non-bailable offence is arrested or detained without a warrant by a police officer or appears or is brought before a court, he may be released on bail by a police officer authorised by the Commissioner of Police or by the court.

(2) If, at any stage of an investigation, inquiry, trial or other proceeding under this Code, there are no reasonable grounds for believing that the accused has committed a non-bailable offence, the police officer or court 30 must release him.

(3) Notwithstanding subsection (2), if there are grounds for further investigations as to whether the accused has committed some other

offence, then, pending the investigations, the accused must be released on bail or, at the discretion of the police officer or court, on his own personal bond to appear in court in accordance with section 103(1).

5 (4) A police officer or a court releasing any person under this section must record in writing the reasons for so doing.

### **Conditions of bail or personal bond**

**98.** A police officer or the court referred to in section 96 or 97 may, as a condition of granting bail or releasing the accused on personal bond, require the accused —

- 10 (a) to surrender any travel document in his possession; and
- (b) to comply with such conditions as the police officer or the court considers necessary to ensure that —
- 15 (i) he surrenders to custody;
- (ii) he does not commit an offence while released on bail or on personal bond;
- (iii) he does not interfere with any witness or otherwise obstruct the course of justice whether in relation to himself or any other person; and
- (iv) he makes himself available for investigations.

### **Exceptions to bail or release on personal bond**

20 **99.—**(1) An accused may not be released on bail or on personal bond if —

- (a) he is charged for an offence punishable with death, imprisonment for life or imprisonment for a term of 20 years or more;
- 25 (b) having been previously released on bail or personal bond in any criminal proceedings, he had not surrendered to custody in accordance with the conditions of the bail or personal bond, and the court believes that in view of this failure, he would not surrender to custody if released; or
- 30 (c) he has been arrested or taken in custody under a warrant issued under section 10, 24 or 34 of the Extradition Act (Cap. 103) or endorsed under section 33 of that Act.

(2) Notwithstanding subsection (1), the court may direct that any juvenile or any sick or infirm person accused of such an offence be released on bail.

5 (3) In this section, “accused” includes a “fugitive” as defined in the Extradition Act.

### **Amount of bond**

**100.** The amount of every bond executed under this Division must be fixed with due regard to the circumstances of the case as being sufficient to secure the attendance of the person arrested or charged.

### 10 **High Court’s powers to grant or vary bail**

**101.**—(1) Whether there is an appeal on conviction or not, the High Court may grant bail to any accused before it, release him on personal bond or vary the amount or conditions of the bail or personal bond required by a police officer or a Subordinate Court, and impose such other  
15 conditions for the bail or personal bond as it thinks fit.

(2) At any stage of any proceeding under this Code, the High Court may cause any person released under this section to be arrested and may commit him to custody.

### **Application for bail or release on personal bond in High Court**

20 **102.**—(1) An application to the High Court for bail or release on personal bond must, unless otherwise ordered, be supported by an affidavit stating sufficient facts to enable the court to determine whether or not such bail or release should be granted.

25 (2) If the court orders that the accused or prisoner be granted bail or release on personal bond, the order must be drawn up with a direction that a warrant be issued to bring the accused or the prisoner before the court for the purpose of being bailed or released.

### **Bond to be executed**

30 **103.**—(1) Before any person is released on his own personal bond under this Division, a bond for such sum of money as the police officer or court thinks sufficient must be executed by the person.

(2) When a person is released on bail, the bond must be executed by one or more sufficient sureties, on condition that the released person attends

on the date and at the time and place mentioned in the bond, and must continue to attend until otherwise directed by the police officer or court, as the case may be.

5 (3) The bond may also bind the released person to appear when called on at any court to answer the charge.

(4) The bond is subject to the further condition that as long as it remains in force, the released person must not leave Singapore without the permission of the police officer or the court.

10 (5) Such permission, if granted, must be evidenced by an endorsement on the bond specifying for how long and where the permission applies.

(6) Such permission may be granted only on the personal application of the released person in the presence of his surety or sureties, if any.

### **Person to be released**

15 **104.**—(1) As soon as the bond has been executed, the person for whose appearance it has been executed must be released.

(2) If the person is in prison, the court must issue an order of release to the officer in charge of the prison, and the officer must release him on receiving the order.

20 (3) No person shall be released under this section or section 96 or 97 if the person is liable to be detained for a different matter than that for which the bond is executed.

### **Released person to give address for service**

**105.**—(1) A released person must give the court or officer releasing him an address where he can be served with all notices and summonses.

25 (2) If the released person cannot be found or the notice or summons cannot be served on him for any other reason, any notice or summons left for him at the address given shall be treated as duly served on him.

### **Withdrawal, change of conditions, etc., of bail**

30 **106.**—(1) If a court has granted bail to a released person and it is shown that —

- (a) there has been a material change of circumstances; or
- (b) new facts have since come to light,

the court may vary the conditions of the bail or personal bond, or impose further conditions for the bail or the personal bond or cause the released person to be arrested and may commit him to custody.

5 (2) If, through mistake, fraud or otherwise, insufficient sureties have been accepted or if they afterwards become insufficient, a court may issue an arrest warrant directing that the released person be brought before it and may order him to provide sufficient sureties.

(3) If the released person fails to provide sufficient sureties, the court may commit him to custody.

10 **Liability to arrest for absconding or breaking conditions of bail or personal bond**

**107.**—(1) If a released person under a duty to surrender to custody does not do so, he may be arrested without a warrant.

15 (2) If a released person leaves the court at any time after he has surrendered into its custody and before the court is ready to begin or to resume the hearing of the proceedings, the court may issue a warrant for his arrest.

(3) A released person under a duty to surrender to custody may be arrested, without a warrant, if —

20 (a) there are reasonable grounds for believing that he is unlikely to surrender to custody;

(b) there are reasonable grounds for believing that he is likely to break or has broken any of the conditions of his bail or personal bond; or

25 (c) any of his sureties informs the police or court that the person is unlikely to surrender to custody and that the surety therefore wishes to be relieved of his obligations as a surety.

(4) When such a person is brought before the court pursuant to an arrest under this section and the court thinks that he —

30 (a) is unlikely to surrender to custody; or

(b) has broken or is likely to break any conditions of his bail or personal bond,

the court may remand him in custody or grant him bail subject to such conditions as it thinks fit.

### **Duties of surety**

**108.**—(1) A surety must —

- (a) ensure that the released person surrenders to custody;
- (b) keep in daily communication with the released person and lodge a police report within 24 hours of losing contact with him; and
- (c) ensure that the released person is within Singapore unless the released person has been permitted by the court to leave Singapore.

(2) If the surety is in breach of any of his duties, the court may forfeit the whole or any part of the amount of the bond.

### **Surety may apply to have bond discharged**

**109.**—(1) A surety may at any time apply to the court to discharge the bond as far as it relates to him.

(2) On receiving such an application, the court may issue an arrest warrant directing that the released person be produced before it.

(3) When the released person appears in court under the warrant or voluntarily, the court must direct that the bond be discharged wholly or so far as it relates to the applicant and must call on the person to provide other sufficient sureties.

(4) A surety may arrest the person for whom he stood surety and immediately bring him before a court, and the court must then discharge the surety's bond and call on the person to provide other sufficient sureties.

(5) If a released person fails to provide other sufficient sureties when called on to do so under subsection (3) or (4), the court must commit him to custody.

### **Security instead of surety**

**110.** When a court or police officer requires a person to sign a bond with one or more sureties, the court or officer may (except in the case of a bond for good behaviour) instead permit him to enter into his own personal bond and provide security acceptable to the court or officer.

### **Procedure on forfeiture of bond**

**111.**—(1) If it is proved to a court's satisfaction that a bond taken under this Code has been forfeited, the court —

- (a) must record the basis of such proof;
- 5 (b) may summon before it the person bound by the bond; and
- (c) may call on him to pay the penalty or to explain why he should not pay it.

(2) If his explanation is inadequate and the penalty is not paid, the court may recover the penalty by issuing an order for the attachment and sale of  
10 his property.

(3) If immovable property attached under subsection (2) is sold, the officer under whose direction the attachment and sale was carried out may do any thing or act to transfer the title to the purchaser.

(4) If the penalty is not paid or cannot be recovered by such attachment  
15 and sale, the court may commit to prison the person bound by the bond for a term not exceeding 12 months.

(5) Any unsatisfied penalty shall constitute a judgment debt in favour of the Government and nothing in this section shall prevent the Government from recovering it as such.

20 (6) The court may reduce the penalty and enforce part-payment only.

### **Appeal from orders**

**112.** All orders made under section 111 by any Magistrate's Court or District Court are appealable.

### **Power to direct levy of amount due on bond**

25 **113.** The High Court or a District Court may direct any Magistrate's Court to exercise the court's power of forfeiture under section 111 in respect of a bond to appear before the High Court or District Court.

*Division 6 — Notice to attend court and bonds  
to appear in court*

**Notice to attend court**

5     **114.**—(1) Where a police officer has reasonable grounds for believing that a person has committed an offence, he may immediately serve upon the person a prescribed notice, requiring that person to attend at the court described, at the time and on the date specified in the notice.

      (2) A duplicate of the notice must be prepared by the police officer or investigation officer and, if so required by a court, produced to the court.

10    (3) The notice may be served on the person alleged to have committed the offence in the manner provided by section 3.

      (4) If a person, upon whom a notice has been served, fails to appear before a court in person or by counsel in accordance with the notice, the court may, if satisfied that the notice was duly served, issue a warrant for  
15    the arrest of the person.

**Bond for appearance of complainant and witnesses**

**115.**—(1) If, during or after an investigation under Part IV, a police officer is of the opinion that there is sufficient evidence to justify starting or continuing criminal proceedings for an arrestable offence against a  
20    person, he may require any complainant and any or all persons who may be familiar with the case, to execute a bond to appear before a court and give evidence in the case against the accused.

      (2) After the bond has been executed, the police officer or investigation officer must send it to the court.

25    (3) If the complainant or person refuses to execute the bond, the police officer must report the matter to the court, and the court may then issue a warrant or summons to secure the attendance of the complainant or person before itself to give evidence in the case against the accused.

**Surrender of travel document**

30    **116.**—(1) Notwithstanding any other written law, an investigation officer may, with the consent of the Commissioner of Police or the head or director of any law enforcement agency, as the case may be, require a

person whom he has reasonable grounds for believing has committed any offence to surrender his travel document.

(2) Any person who fails to surrender his travel document as required under subsection (1) may be arrested and taken before a Magistrate.

5 (3) If the person arrested and taken before the Magistrate under subsection (2) is unable to show good reasons for not surrendering his travel document, the Magistrate may commit him to prison until he surrenders his travel document.

10 (4) For the purposes of subsection (3), a certificate signed by the Commissioner of Police to the effect that the prisoner has complied with the requirements of this section is sufficient warrant for the Director of Prisons to release the prisoner.

### **Where person acquainted with facts of investigation intends to leave Singapore**

15 **117.**—(1) Where a court is satisfied that any person who is acquainted with the subject matter of any investigation carried out under this Code intends to leave Singapore, the court may, on the application of the Public Prosecutor, by order require the person to remain in Singapore for such period as the court considers reasonable to facilitate the investigation.

20 (2) The court may order due provision to be made for the maintenance of such person and for compensating him for his loss of time.

### **Return of travel document**

25 **118.**—(1) A person who has surrendered a travel document under section 116 may apply to the Commissioner of Police or the head or director of any law enforcement agency, as the case may be, for the return of the travel document.

(2) Where an application under subsection (1) has been refused, the person may apply to a District Judge for its return, stating the reasons for the application.

30 (3) The District Judge may —

(a) grant the application subject to such conditions as to the further surrender of the travel document and the provision of security for the appearance of the applicant at such time and place in Singapore as the District Judge may determine; or

(b) refuse the application.

(4) If the applicant fails to comply with any condition of the return of the travel document, any security provided for the return may be forfeited by a Magistrate and he may be arrested and dealt with in the same way  
5 that a person who fails to comply with section 116(1) may be arrested and dealt with under section 116(2) and (3).

*Division 7 — Summons to appear in court*

**Form and validity of summons, etc.**

10 **119.**—(1) A summons to appear issued by a court under this Code must be in writing, bearing the seal of the court and signed by a Magistrate or District Judge, as the case may be or, in the case of the High Court, by a Judge of that Court or by the Registrar of the Supreme Court.

(2) The summons shall remain in force until cancelled by the court or until the person summoned is discharged from it by a court.

15 (3) The summons may be served by a police officer or by an officer of the court or any other person directed by the court.

(4) If the summons is in connection with an offence under any written law enforceable by a public body, the summons may be served by an officer of that public body.

20 (5) When a summons cannot be served soon enough to give reasonable notice to the person summoned to appear before the court on the date stated in the summons, the court may in writing substitute some other later date.

**Service of summons**

25 **120.**—(1) A summons issued against a person must, as far as is reasonably practicable, be served in accordance with the mode of service referred to in section 3(1)(a).

(2) A summons issued against an incorporated company, partnership or body of persons must, as far as is reasonably practicable, be served in  
30 accordance with the mode of service referred to in section 3(1)(g)(i).

(3) If service cannot be effected in accordance with subsection (1) or (2), it may be effected in accordance with any of the other modes of service referred to in section 3(1).

(4) Notwithstanding subsections (1), (2) and (3), a summons may be served in any manner referred to in section 3(1) if the person, incorporated company, partnership or body of persons on whom the summons is to be served consents to such mode of service.

5 **Service for offences punishable with fine only**

**121.** Notwithstanding section 120, a summons for an offence punishable with a fine only may be served —

- 10 (a) by sending a copy of the summons by registered post to the last known address or registered office of the person to be summoned or to the office of the advocate acting for that person; or
- (b) by transmitting by facsimile a copy of the summons to the last-known facsimile number of the person or to the office facsimile number of the advocate acting for that person or corporation.

**Proof of service**

15 **122.** When a summons issued by a court is served, an affidavit of such service is admissible as evidence if the affidavit is on its face made before an officer authorised to administer an oath of affirmation.

**Issue of warrant instead of or in addition to summons**

20 **123.** A court having power to issue a summons for the appearance of a person may, after recording its reasons in writing, issue a warrant for his arrest if —

- (a) before or after the issue of the summons but before the time fixed for his appearance, the court has reason to believe that he has absconded or will not obey the summons; or
- 25 (b) at such time he fails to appear and the summons is proved to have been duly served in time to enable him to appear in accordance with it and no reasonable excuse is offered for such failure.

30 **Service of summons: reciprocal arrangements with Malaysia and Brunei Darussalam**

**124.**—(1) If —

- (a) under a corresponding law relating to criminal procedure in Malaysia or Brunei Darussalam, a court that has power to issue a

warrant or summons has issued a warrant or summons authorising the arrest of a person or requiring a person to appear before a court in Malaysia or Brunei Darussalam; and

(b) that person is or is believed to be in Singapore,

5 a Magistrate in Singapore, being satisfied that the warrant or summons was duly issued in Malaysia or Brunei Darussalam, may endorse the warrant or summons.

10 (2) Upon such endorsement, the warrant or summons may be executed or served, as the case may be, on the person named in the warrant or summons as if it were a warrant or summons lawfully issued in Singapore under this Code.

15 (3) If, under a law in force in Malaysia or Brunei Darussalam corresponding to subsection (1), a warrant or summons issued by a Magistrate in Singapore has been endorsed by a Magistrate in Malaysia or Brunei Darussalam and executed or served on the person named in the warrant or summons, the warrant or summons is for the purposes of this Code treated as having been validly executed or served in Singapore.

20 (4) If a warrant has been executed in Singapore under subsection (2), the person arrested must be produced as soon as possible before a Magistrate in Singapore.

25 (5) If the Magistrate is satisfied that he is the person specified in the warrant, he must direct that the arrested person be transferred immediately in custody to the appropriate court in Malaysia or Brunei Darussalam; and such a person is, while in that custody, treated for all purposes as being in lawful custody.

(6) If, in a case under subsection (5) —

(a) the Magistrate is satisfied that it is in the interests of justice to do so, for reasons which he must record; and

30 (b) the case is one in which bail or personal bond may lawfully be granted,

the Magistrate may release the person arrested on bail or personal bond conditional on his appearing before the appropriate court in Malaysia or Brunei Darussalam at a time to be specified in the bail or personal bond.

(7) If any person has been served with a summons under subsection (1), he must attend at the appropriate court at the time specified in the summons, unless he can satisfy the court that he cannot reasonably do so.

### **Detention of offenders attending court**

5 **125.**—(1) A person attending court who is not under arrest or on a summons may be detained by the court for examination for any offence of which it may deal with and which from the evidence he appears to have committed.

10 (2) The court may proceed against him as though he had been arrested or summoned.

(3) When the court proceeds against a person under this section during an inquiry or after it has begun a trial, it must begin the proceeding against the person separately.

## **PART VII**

### **THE CHARGE**

#### **Form of charge**

15 **126.**—(1) Every charge under this Code must state the offence with which the accused is charged.

20 (2) If the law that creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) If the law that creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

25 (4) The provision of the law against which the offence is said to have been committed must be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that the case fulfils every legal condition required by law to constitute the offence charged.

30 (6) If the accused has been previously convicted of any offence and it is intended to prove that previous conviction for the purpose of affecting the punishment which the court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge; but if the

statement is omitted, the court may add it at any time before sentence is passed.

### *Illustrations*

- 5 (a) A is charged with the murder of *B*. This is equivalent to a statement that A's act fell within the definition of murder in section 300 of the Penal Code; that he did not come within any of the general exceptions in Chapter IV of that Code; and that it did not fall within any of the Exceptions to section 300 or that, if it did fall within Exception 1, one or other of the 3 provisos to that Exception applied to it.
- 10 (b) A is charged under section 326 of the Penal Code with voluntarily causing grievous hurt to *B* by using an instrument for shooting. This is equivalent to a statement that section 335 of that Code and the general exceptions in Chapter IV of that Code did not apply to it.
- 15 (c) A is accused of murder, cheating, theft, extortion, criminal intimidation or using a false property mark. The charge may state, without referring to the definitions of those offences in the Penal Code, that A committed murder or cheating or theft or extortion or criminal intimidation or that he used a false property mark, but the charge must refer to the section under which each offence is punishable.
- 20 (d) A is charged under section 184 of the Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

### **Details of time, place and person or thing**

25 **127.**—(1) The charge must contain details of the time and place of the alleged offence and the person, if any, against whom or the thing, if any, in respect of which it was committed, as are reasonably sufficient to give the accused notice of what he is charged with.

(2) If the accused is charged with criminal breach of trust or dishonest misappropriation of money or other movable property, it shall be  
30 sufficient to specify —

- (a) the gross sum in respect of which the offence is alleged to have been committed; and
- (b) the dates between which the offence is alleged to have been committed, which period shall not exceed 12 months,
- 35 without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence.

### When manner of committing offence must be stated

5 **128** If the particulars mentioned in sections 126 and 127 do not give the accused sufficient notice of what he is charged with, then the charge must also give details of how the alleged offence was committed as will be sufficient for that purpose.

#### *Illustrations*

- (a) A is accused of theft of a certain article at a certain time and place. The charge need not state how the theft was effected.
- 10 (b) A is accused of cheating B at a given time and place. The charge must state how A cheated B.
- (c) A is accused of giving false evidence at a given time and place. The charge must state that portion of A's evidence that is alleged to be false.
- (d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must state how A obstructed B in discharging his functions.
- 15 (e) A is accused of the murder of B at a given time and place. The charge need not state how A murdered B.
- (f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must state the disobedience charged and the law broken.
- 20

### Sense of words used in charge to describe offence

**129.** In every charge, words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which that offence is punishable.

### 25 **Effect of errors**

**130.** No error in stating either the offence or the particulars that must be stated in the charge, and no omission to state the offence or those details shall be regarded at any stage of the case as material unless the accused was in fact misled by that error or omission.

30

#### *Illustrations*

- (a) A is charged under section 242 of the Penal Code with "having been in possession of a counterfeit coin having known at the time when he became possessed of it that the coin was counterfeit", but the word "fraudulently" is omitted from the charge. Only if A was actually misled by this omission may the error be regarded as material.
- 35

- (b) *A* is charged with cheating *B*. How he cheated *B* is not stated in the charge or is stated incorrectly. *A* defends himself, calls witnesses and gives his own account of the transaction. The court may infer from this that omitting to state how *B* was cheated is not a material error.
- 5 (c) *A* is charged with cheating *B*. How he cheated *B* is not stated in the charge. There were many transactions between *A* and *B* and *A* had no means of knowing to which of them the charge referred and offered no defence. The court may infer from those facts that omitting to state how *B* was cheated was a material error.
- 10 (d) *A* was charged with murdering Tan Ah Teck on 5 June 1996 and Tan Ah Tuck, who tried to arrest him for that murder, on 6 June 1996. While charged with murdering Tan Ah Teck, *A* was tried for the murder of Tan Ah Tuck. The witnesses present in his defence were witnesses in the case of Tan Ah Teck. The court may infer from this that *A* was misled and that the
- 15 error was material.

### **Court may alter charge or frame new charge**

**131.**—(1) A court may alter a charge or frame a new charge, whether in substitution for or in addition to the existing charge, at any time before judgment is given.

- 20 (2) A new or altered charge must be read and explained to the accused.

### **Trial after alteration of charge or framing of new charge**

**132.**—(1) If a charge is altered or a new charge framed under section 131, the court must immediately call on the accused to enter his plea and to state whether he is ready to be tried on this altered or new

25 charge.

(2) If the accused declares that he is not ready, the court must duly consider any reason he gives.

(3) If the court thinks that proceeding immediately with the trial is unlikely to prejudice the accused's defence or the prosecutor's conduct of

30 the case, then it may proceed with the trial.

(4) If the court thinks otherwise, then it may direct a new trial or adjourn the trial for as long as necessary.

### **Stay of proceedings if altered or new charge requires Public Prosecutor's consent**

35 **133.**—(1) If the offence stated in the altered or new charge is one that requires the Public Prosecutor's consent under section 14, then the trial

must not proceed before the consent is obtained, unless it has already been obtained for a prosecution on the same facts as those on which the altered or new charge is based.

5 (2) If consent for the prosecution is or has been obtained, all evidence previously admitted by the court in the trial shall be deemed to have been admitted in evidence in the trial of the altered or new charge.

### **Recall of witnesses on trial of altered or new charge**

10 **134.** If a charge is altered or a new charge framed by the court after the start of a trial, the prosecutor and the accused must, on application to the court by either party, be allowed to recall or re-summon and re-examine any witness who may have been examined, with reference to the altered or newly framed charge only, unless the court thinks that the application is frivolous or vexatious or is meant to cause delay or to frustrate justice.

### **Separate charges for distinct offences**

15 **135.**—(1) For every distinct offence of which any person is accused, there must be a separate charge and, subject to subsection (2), every charge must be tried separately.

(2) Subsection (1) does not apply —

- 20 (a) in the cases mentioned in sections 136 to 141 and 146;
- (b) to charges to which the accused pleads guilty; or
- (c) to charges which the accused and the prosecutor consents to be taken into consideration under section 151.

### *Illustration*

25 A is accused of a theft on one occasion and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and causing grievous hurt. However, he does not need to be separately tried if he pleads guilty to both charges or if he pleads guilty to one charge and consents to the other charge being taken into consideration under section 151.

### **Joining of similar offences**

30 **136.** When a person is accused of 2 or more offences, he may be charged with and tried at one trial for any number of those offences if the offences form or are a part of a series of offences of the same or a similar character.

### **Trial for more than one offence**

**137.** If, in one series of acts connected so as to form the same transaction, 2 or more offences are committed by the same person, then he may be charged with and tried at one trial for every such offence.

5

#### *Illustrations*

The separate charges referred to in *illustrations (a) to (g)* below respectively may be tried at one trial.

- 10 (a) *A* rescues *B*, a person in lawful custody, and in doing so causes grievous hurt to *C*, a constable in whose custody *B* was. *A* may be separately charged with and tried for offences under sections 225 and 333 of the Penal Code.
- (b) *A* has in his possession several seals that he knows to be counterfeit and intends to use them to commit forgeries punishable under section 466 of the Penal Code. *A* may be separately charged with and tried for the possession of each seal under section 473 of the Penal Code.
- 15 (c) Intending to cause injury to *B*, *A* begins a criminal proceeding against him knowing that there is no just or lawful basis for the proceeding; and also falsely accuses *B* of having committed an offence knowing there is no just or lawful basis for the charge. *A* may be separately charged with and tried for 2 offences under section 211 of the Penal Code.
- 20 (d) Intending to cause injury to *B*, *A* falsely accuses him of having committed an offence knowing that there is no just or lawful basis for the charge. At the trial *A* gives false evidence against *B*, intending thereby to cause *B* to be convicted of a capital offence. *A* may be separately charged with and tried for offences under sections 211 and 194 of the Penal Code.
- 25 (e) *A*, with 6 others, commits the offences of rioting, grievous hurt and assaulting a public servant trying to suppress the riot in the discharge of his duty. *A* may be separately charged with and tried for offences under sections 145, 325 and 152 of the Penal Code.
- 30 (f) *A* threatens *B*, *C* and *D* at the same time with injury to their persons with intent to cause alarm to them. *A* may be separately charged with and tried for each of the 3 offences under section 506 of the Penal Code.
- (g) *A* locks *B* and *C* in a room and then sets fire to that room, intending thereby to cause their deaths. *A* may be separately charged with and tried for each of the 2 offences under section 302 of the Penal Code.

35

### **Trial of offences within 2 or more definitions**

**138.** If the alleged acts constitute an offence falling within 2 or more separate definitions of any law by which offences are defined or punished,

then the person accused of them may be charged with and tried at one trial for each of those offences.

### *Illustrations*

The separate charges referred to in *illustrations (a) to (d)* below respectively may be tried at one trial.

- 5
- (a) *A* wrongfully strikes *B* with a cane. *A* may be separately charged with and tried for offences under sections 352 and 323 of the Penal Code.
- (b) Several stolen sacks of rice are passed to *A* and *B*, who know they are stolen property, so they can conceal them. *A* and *B* then voluntarily help each other to conceal the sacks at the bottom of a grain-pit. *A* and *B* may be separately charged with and tried for offences under sections 411 and 414 of the Penal Code.
- 10
- (c) *A* exposes her child with the knowledge that by doing so she is likely to cause its death. The child dies as a result. *A* may be separately charged with and tried for offences under sections 317 and 304 of the Penal Code.
- 15
- (d) *A* dishonestly uses a forged document as evidence to convict *B*, a public servant, of an offence under section 167 of the Penal Code. *A* may be separately charged with and tried for offences under sections 471 (read with section 466) and 196 of the Penal Code.

### 20 **Acts forming one offence but when combined form different offence**

**139.** If several acts of which one or more than one would by itself or themselves constitute an offence constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by those acts when combined or for any offence constituted by any one or more of those acts.

25

### *Illustration*

*A* robs *B*, and in doing so voluntarily hurts him. *A* may be separately charged with and tried for offences under sections 323, 392 and 394 of the Penal Code (Cap. 224), or he may be tried at one trial for the separate charges.

### 30 **Sections 137, 138 and 139 not to affect section 71 of Penal Code**

**140.** Nothing in section 137, 138 or 139 shall affect section 71 of the Penal Code (Cap. 224).

### **If it is doubtful what offence has been committed**

141. If a single act or series of acts is such that it is doubtful which of several offences the provable facts will constitute, the accused may be charged with all or any of those offences and any number of the charges  
5 may be tried at once, or he may be charged in the alternative with any one of those offences.

#### *Illustrations*

- (a) A is accused of an act that may amount to theft or receiving stolen property or criminal breach of trust or cheating. He may be charged with theft,  
10 receiving stolen property, criminal breach of trust and cheating, or he may be charged with any one of those offences only.
- (b) A states on oath before the committing Magistrate that he saw B hit C with a club. Before the High Court, A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false  
15 evidence although it cannot be proved which of these contradictory statements was false.

### **When person charged with one offence can be convicted of another**

142. If in the case mentioned in section 141 the accused is charged with one offence and it appears in evidence that he committed a different  
20 offence for which he might have been charged under that section, he may be convicted of the offence that he is shown to have committed although he was not charged with it.

#### *Illustration*

A is charged with theft. In evidence it appears that he committed the offence of  
25 criminal breach of trust or of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods, as the case may be, although he was not charged with that offence.

### **Conviction of attempt or abetment**

143. When the accused is charged with an offence, he may be convicted  
30 of having attempted to commit it or of having abetted its commission, although neither the attempt nor the abetment is separately charged.

### **When offence proved is lesser offence**

144.—(1) If the charge against a person in respect of any offence consists of several particulars, a combination of only some of which forms

a complete lesser offence, and the combination is proved but the remaining particulars are not proved, he may be convicted of the lesser offence although he was not charged with it.

5 (2) When a person is charged with an offence and facts are proved which reduce it to a lesser offence, he may be convicted of the lesser offence although he is not charged with it.

### *Illustrations*

10 (a) A is charged under section 407 of the Penal Code with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

15 (b) A is charged under section 325 of the Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of the Penal Code.

### **Where court finds that offence referred to in section 14 proved**

20 **145.**—(1) Where the court makes a finding under section 142 or 144 that any offence referred to in section 14(1) has been proved, the court may only pronounce a conviction if the consent of the Public Prosecutor is obtained.

(2) Where the court makes a finding under section 142 or 144 that any offence referred to in section 14(2) has been proved, the court may only pronounce a conviction if the consent of the Public Prosecutor or the complaint of the aggrieved person referred to in that section is obtained.

### 25 **Persons who may be charged and tried jointly**

**146.**—(1) The following persons may be charged and tried together or separately:

- 30 (a) persons accused of the same offence committed in the same transaction;
- (b) persons accused of different offences committed in the same transaction;
- (c) persons accused of 2 or more offences which form or are a part of a series of offences of the same or a similar character;

- (d) a person accused of an offence of theft, extortion, criminal misappropriation, cheating or criminal breach of trust, and another person accused of receiving or retaining or assisting in the disposal or concealment of the subject matter of that offence;
- 5 (e) persons accused of offences under sections 411 and 414 of the Penal Code (Cap. 224), or either of those sections, in respect of the same stolen property, the possession of which has been transferred as a result of the original offence;
- 10 (f) a person accused of any offence under Chapter XII of the Penal Code relating to a counterfeit coin, and a person accused of any other offence under that Chapter relating to the same coin;
- (g) a person accused of committing an offence and a person accused of abetment of or attempt to commit that offence.
- 15 (2) Members of opposing factions in an unlawful assembly or a riot should be charged separately but may be tried jointly.

#### *Illustrations*

- (a) *A* and *B* are accused of the same murder. *A* and *B* may be charged and tried together for the murder.
- 20 (b) *A* and *B* are accused of a robbery during which *A* commits a murder with which *B* has nothing to do. *A* and *B* may be tried together, where both will be tried for robbery and *A* tried also for the murder.
- (c) *A* and *B* are both charged with a theft and *B* is charged with two other thefts he committed during the same transaction. *A* and *B* may both be tried together, where both will be tried for the one theft and *B* alone for the two other thefts.
- 25 (d) *A* and *B* are accused of giving false evidence in the same proceedings. They should be charged and tried separately.

#### **Joint trials for connected offences**

30 **147.** Notwithstanding section 146, a person may be separately charged and tried together with any other person accused of another offence under the same written law, if both offences arise from the same series of acts whether or not they form the same transaction.

### *Illustrations*

- 5 (a) A agrees to let B to keep his benefits of drug trafficking in A's bank account to avoid detection. A and B may be separately charged and tried together for offences under section 43(1)(a) and section 46(1)(a) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A) respectively as the offences arise from the same series of acts.
- 10 (b) A sells 10 grams of diamorphine to B. Out of the 10 grams of diamorphine, B sells 5 grams to C. A, B and C may be separately charged and tried together for offences under section 5(1)(a) of the Misuse of Drugs Act (Cap. 185) as the offences arise from the same series of acts.
- 15 (c) A has in his possession a secret official code word which has been entrusted in confidence to him by a person holding office under the Government and fails to take reasonable care of the secrecy of the information. As a result of A's failure, B came into possession of the secret official code word and retains it for a purpose prejudicial to the safety of Singapore when he has no right to retain it. A and B may be separately charged and tried together for offences under sections 5(1)(d)(iv) and 6(2)(a) of the Official Secrets Act (Cap. 213) respectively as the offences arise from the same series of acts.
- 20 (d) A gives B a gratification as an inducement for awarding a contract by B's company to A. A and B may be separately charged and tried together for offences under section 6(b) and (a) of the Prevention of Corruption Act (Cap. 241) respectively as the offences arise from the same series of acts.

### **Joint trials with consent**

**148.**—(1) The court may order a joint trial —

- 25 (a) where an accused is charged with 2 or more offences, if the Public Prosecutor and the accused consent to have all such offences tried together;
- (b) where 2 or more persons are charged with separate offences, if the Public Prosecutor and all such persons consent to a joint trial.

30 (2) Notwithstanding subsection (1), the court may not order a joint trial if at the time when the consent is given under that subsection, the accused or any of the persons giving the consent is not represented by an advocate.

### **Separate trial when accused is prejudiced**

35 **149.** Notwithstanding any other provision in this Code, where before a trial or at any stage of a trial, a court is of the view that an accused may be prejudiced or embarrassed in his defence because —

(a) he is charged with and tried at one trial for more than one offence under section 136, 137, 138, 139 or 148(1)(a); or

(b) he is charged with and tried at one trial with one or more other co-accused under section 146, 147 or 148(1)(b),

5 the court may order that he be charged and tried separately for any one or more of the offences.

### **Withdrawal of remaining charges on conviction on one of several charges**

10 **150.**—(1) Where 2 or more charges are made against the same person and he has been convicted on one or more of them, the prosecution may, with the consent of the court, withdraw the remaining charge or any of the charges.

(2) Such withdrawal shall have the effect of an acquittal on the remaining charge or charges withdrawn unless the conviction is set aside.

15 (3) Where a conviction is set aside in subsection (2), and subject to any order of the court setting aside the conviction, the court may proceed with the trial of the charge or charges previously withdrawn.

### **Outstanding offences**

20 **151.**—(1) If the accused is found guilty of an offence in any criminal proceedings begun by or on behalf of the Public Prosecutor, the court in determining and passing sentence may, with the consent of the prosecution and the accused, take into consideration any other outstanding offences that the accused admits to have committed.

25 (2) If the outstanding offences referred to in subsection (1) were not begun by or on behalf of the Public Prosecutor, the court must first be satisfied that the person or authority by whom those proceedings were begun consents to that course of action.

30 (3) The High Court may, under subsection (1), take into consideration any outstanding offences an accused admits to have committed when passing sentence, notwithstanding that no transmission proceedings under Division 4 of Part IX have been held in respect of those outstanding offences.

(4) When consent is given under subsection (1) or (2) and any outstanding offences are taken into consideration in determining and passing sentence, such fact must be entered in the court's record.

5 (5) After being sentenced, the accused may not, unless his conviction for the original offence under subsection (1) is set aside, be charged or tried for any such offence that the court had taken into consideration under this section.

### **Death of accused**

10 **152.** Every charge or criminal proceeding abates on the death of the accused, and the court must so order if it is satisfied that he is dead.

## **PART VIII**

### **INITIATION OF CRIMINAL PROCEEDINGS AND COMPLAINT TO MAGISTRATE**

#### **Initiation of criminal proceedings**

15 **153.** Criminal proceedings against any person may be initiated by —

- (a) the Public Prosecutor;
- (b) a police officer;
- (c) a law enforcement officer;
- (d) any person acting with the authority of the Public Prosecutor;
- 20 (e) any person employed by an officer of a public body; or
- (f) any private person,

pursuant to an arrest, a summons, an arrest warrant, a notice to attend court or any other mode provided for under this Code or any other written law, as the case may be.

#### **Examination of complaint**

25 **154.—**(1) Any person may make a complaint to a Magistrate.

(2) On receiving a complaint by a person other than an officer of a public body acting in his official capacity, the Magistrate —

- (a) must immediately examine the complainant on oath and record the substance of the examination in writing which must be signed by the complainant and by the Magistrate; and
- (b) may, after examining the complainant —
- 5 (i) issue a summons to compel the attendance before him of any person who may be able to help the Magistrate determine whether there is sufficient ground for proceeding with the complaint, including the person complained against;
- 10 (ii) direct any police officer to make inquiries for the purpose of ascertaining the truth or falsehood of the complaint and report to the Magistrate the result of those inquiries;
- (iii) proceed in accordance with section 15 of the Community Mediation Centres Act (Cap. 49A); or
- 15 (iv) postpone consideration of the matter to enable the complainant and the person complained against to try to resolve the complaint amicably.

(3) On receiving the complaint of a person who is an officer of a public body acting in his official capacity, the Magistrate must proceed to issue a summons or warrant in accordance with section 156 if the complaint is written and signed by that officer.

20

### **Dismissal of complaint**

**155.**—(1) After examining the complainant under section 154(2)(a), and making any inquiry under section 154(2)(b)(i), the Magistrate may dismiss the complaint if he decides that there is insufficient reason to proceed.

25

(2) Where the Magistrate or a police officer has referred any case for mediation under section 15 of the Community Mediation Centres Act, and the complainant fails or refuses to attend the mediation session, the Magistrate may dismiss the complaint if the complainant does not provide reasonable grounds for such failure or refusal.

30

(3) If the Magistrate dismisses the complaint, he must record his reasons.

### **Issue of summons or warrant**

**156.**—(1) A Magistrate must issue a summons for the attendance of an accused if —

- 5 (a) he finds sufficient reason to proceed after examining the complainant under section 154(2)(a) and making any inquiry under section 154(2)(b)(i);
- 10 (b) the Magistrate or a police officer has referred the case for mediation under section 15 of the Community Mediation Centres Act, and the accused has failed or refused to attend the mediation session, without providing reasonable grounds for such failure or refusal; or
- (c) a complaint is made by an officer of a public body acting in his official capacity and the complaint is written and signed by that officer,

15 and the case appears to be one in which, according to the fourth column of First Schedule, the Magistrate should first issue a summons.

(2) If the case appears to be one in which, according to that column, the Magistrate should first issue a warrant, he may do so or, if he thinks fit, issue a summons causing the accused to be brought or to appear at a certain time before a Magistrate's Court.

(3) This section does not affect section 123.

### **Personal attendance of accused may be dispensed with**

**157.**—(1) A Magistrate issuing a summons may dispense with the personal attendance of the accused and permit him to appear by an advocate.

(2) In any case relating to an offence punishable by fine only or by imprisonment for 12 months or less, or both, and in which a Magistrate has issued a summons, an accused who wishes to plead guilty and be convicted and sentenced in his absence may —

- 30 (a) appear by an advocate; or
- (b) by letter plead guilty and agree to pay any fine that may be imposed for that offence.

(3) In the case where the accused pleads guilty by letter, the court may record a plea of guilty, convict him according to law, and sentence him to

a fine with or without a sentence of imprisonment if he fails to pay the fine.

(4) If the accused pleads guilty by letter, he must state in the letter a postal address.

5 (5) The court must then send, by registered post using the particulars stated under subsection (4), a letter informing the accused of the sentence imposed.

(6) The accused must pay the fine within 7 days from the date on which the court's letter was posted or transmitted.

10 (7) The court inquiring into or trying the case may at any stage of the proceeding direct the accused to attend in person, and if necessary may enforce his attendance in the way set out in section 156.

(8) If the court intends to impose a sentence of imprisonment without the option of a fine, it must require the accused to attend in person.

15 (9) If the accused wishes to withdraw his plea of guilty and claim trial when he appears pursuant to subsection (8), then the court must, notwithstanding any order of conviction made in his absence —

(a) permit him to withdraw his plea and then hear and determine the case; and

20 (b) if the court convicts him, pass sentence according to law.

(10) Nothing in this section shall affect the powers of the court conferred by section 159.

### **Absence of complainant in proceedings instituted on complaint**

25 **158.** In a private prosecution commenced pursuant to a complaint under section 154 for an offence which is compoundable under section 199 or 200, the court may at any time before calling upon the accused to enter upon his defence, discharge the accused if the complainant is absent.

### **Absence of accused**

**159.** If —

30 (a) the accused does not appear at the time and place mentioned in the summons or notice to attend court;

- (b) a declaration on oath is made to the court that the summons was duly served within a reasonable time before that time appointed in it for appearing; and
- (c) no sufficient ground is shown for an adjournment,
- 5 the court may either proceed ex parte to hear and determine the complaint or may postpone the hearing to a future day.

## PART IX

### PRE-TRIAL PROCEDURES

#### *Division 1 — General matters*

#### 10 **Interpretation of this Part**

**160.** In this Part —

“Case for the Defence” means the document by that name referred to in section 170 or 181 and includes any supplementary Case for the Defence referred to in section 173 or 184;

15 “Case for the Prosecution” means the document by that name referred to in section 168 or 179 and includes any amended Case for the Prosecution referred to in section 173 or 184;

“co-accused” means any person who is tried jointly with the accused.

#### **Reading of charge**

20 **161.** In a case to be tried in a Magistrate’s Court or District Court, the following provisions apply:

- (a) when an accused is first charged in the court for an offence, a charge must be framed, read and explained to him;
- (b) the accused must be asked whether he wishes to claim trial or plead guilty to the charge unless the prosecution applies for and the court grants an adjournment without the plea being recorded;
- 25 (c) if the accused pleads guilty to the charge, Division 2 applies;
- (d) if the accused claims trial to the charge, Division 3 applies.

*Division 2 — When accused pleads guilty***Pleading guilty electronically**

5 **162.**—(1) A person who is accused of a prescribed offence and is a prescribed person under subsection (6)(b) may plead guilty electronically to that offence by paying the fine and any prescribed fee under subsection (6)(c) in accordance with this section.

(2) To plead guilty electronically, the accused must —

- 10 (a) enter a plea of guilty at a computer terminal designated by the Registrar of the Subordinate Courts for that purpose within the prescribed time; and
- (b) pay in advance the fine fixed by the supervising Magistrate as the sentence to be imposed on an accused who pleads guilty electronically to that offence.

15 (3) The Registrar of the Subordinate Courts must, within a reasonable time after the accused has entered the plea and paid the fine, send to the supervising Magistrate a record of the guilty plea and of the fine paid.

(4) When the supervising Magistrate is satisfied that the fine fixed under subsection (2)(b) has been paid, he shall convict the accused of the prescribed offence in the accused's absence and record the fine paid as the sentence passed for that offence.

20

(5) The supervising Magistrate may, at any stage of the proceedings, require the accused to attend in person and, if necessary, enforce his attendance in the way described in section 156.

25 (6) For the purposes of this section, the Minister may make regulations to prescribe —

- (a) the offences punishable by fine or by imprisonment of 12 months or less or both to which this section applies;
- (b) the class of persons who qualify to plead guilty electronically under this section;
- 30 (c) the fee to be paid for the use of the computer terminal referred to in subsection (2)(a);
- (d) the method of paying fines and fees under this section;

(e) the time within which an accused may plead guilty electronically; and

(f) all matters necessary or convenient to give effect to this section.

(7) In this section —

5 “prescribed offence” means an offence specified in regulations made under subsection (6)(a);

“supervising Magistrate” means the Magistrate in charge of the operation of the computer terminal referred to in subsection (2)(a).

### **Procedure if accused pleads guilty**

10 **163.**—(1) If the accused pleads guilty to the charge after it has been read and explained to him, whether as originally framed or as amended, his plea must be recorded and he may be convicted on it.

(2) Before the court records a plea of guilty, it must —

15 (a) if the accused is not represented by an advocate, be satisfied that he —

(i) understands the nature and consequences of his plea and the punishment prescribed for the offence; and

(ii) intends to admit to the offence without qualification; or

20 (b) if the accused is represented by an advocate, record the advocate’s confirmation that the accused —

(i) understands the nature and consequences of his plea; and

(ii) intends to admit to the offence without qualification.

### **Address on sentence, mitigation and sentence**

25 **164.**—(1) On the conviction of the accused the prosecution may where it thinks fit, address the court on sentence.

(2) The address on sentence may include —

(a) the criminal records of the accused;

(b) any victim impact statement; and

(c) any relevant factors which may affect the sentence.

30 (3) The court must then hear any plea in mitigation of sentence by the accused or his advocate and the prosecution has a right of reply.

(4) After the court has heard the plea in mitigation, it may, in its discretion, but must on the application of the prosecution, hear immediately or when it thinks fit any evidence to determine the truth or otherwise of the matters raised in the plea in mitigation which may affect the sentence.

(5) Where any fact mentioned in the plea in mitigation qualifies the plea of guilt, the court may reject the plea of guilt unless it is satisfied that any qualification of the plea of guilt has not materially affected any legal condition required by law to constitute the offence charged.

(6) The court must then pass sentence according to law immediately or on such day as it thinks fit.

### *Division 3 — When accused claims trial*

#### **Procedure if accused claims trial**

**165.**—(1) If in a case where the offence is to be tried in a Magistrate's Court the accused refuses to plead or does not plead or claims trial, the court must proceed to try the accused immediately, adjourn the trial, or transfer the case to another Magistrate's Court for trial at a later date, in accordance with Part X.

(2) Notwithstanding subsection (1), a pre-trial conference in accordance with this Division must be held if all parties inform the court that they wish to proceed with the pre-trial procedures under this Part.

(3) If the offence is to be tried in a District Court, a pre-trial conference in accordance with this Division must be held before an accused is tried in accordance with Part X, unless before the date of the first pre-trial conference fixed by a court under section 167(1), the accused informs the court that he does not wish to have the pre-trial procedures under this Part to apply to his case.

(4) Where the accused informs the court that he does not wish to have the pre-trial procedures under the Part to apply to his case, the court must proceed to try the accused immediately, adjourn the trial, or transfer the case to another District Court for trial at a later date, in accordance with Part X.

### **Purpose of pre-trial conference**

**166.**—(1) The purpose of a pre-trial conference is to settle the following matters with a view to expediting a trial:

- 5           (a) the filing of the Case for the Prosecution and the Case for the Defence;
- (b) any issues of fact or law for the trial;
- (c) the witnesses to be called by the parties to the trial;
- (d) statements, whether made by the accused or the witnesses or agreed to between the parties to the trial, to be admitted in  
10           evidence without oral testimony; and
- (e) the trial date.

(2) The pre-trial judge must not make an order in relation to subsection (1) in the absence of any party if the order is prejudicial to that party.

15       (3) Where an accused claims trial, the pre-trial judge presiding over the pre-trial conference of the accused must not hear the case.

(4) A pre-trial conference and any application made to the court under this Division may be heard by video-link.

### **When Case for the Prosecution is served**

20       **167.**—(1) If on the date the accused is asked by the court how he wishes to plead and the accused refuses to plead or does not plead or claims trial, the court must fix a pre-trial conference within 8 weeks of that date, unless there are good reasons for the court to fix an earlier pre-trial conference.

25       (2) If, at the pre-trial conference the accused or any co-accused informs the pre-trial judge that he wishes to plead guilty to the charge, the pre-trial judge may fix a date for his plea to be taken in accordance with Division 2.

30       (3) If, at the pre-trial conference the accused or any co-accused does not indicate that he wishes to plead guilty to the charge, the prosecution must file in court the Case for the Prosecution and serve a copy of this on the accused and every co-accused claiming trial with him or on their advocates within 14 days from the date of the pre-trial conference.

(4) If, at the pre-trial conference the accused indicates that he wishes to claim trial to more than one charge, the Case for the Prosecution to be

served under subsection (3) shall only relate to those charges that the prosecution intends to proceed with at the trial.

5 (5) The prosecution may at any time apply to the pre-trial judge for an extension of time to comply with subsection (3) or a further extension of time.

(6) An application by the prosecution under subsection (5) must be heard in the presence of the accused and every co-accused or in the presence of their advocates.

### **Contents of Case for the Prosecution**

10 **168.** The Case for the Prosecution must contain—

- (a) the charge which the prosecution intends to proceed with at the trial;
- (b) a summary of the facts in support of the charge;
- (c) a list of the names of the witnesses for the prosecution;
- 15 (d) a list of the exhibits that the prosecution intends to admit at the trial; and
- (e) any statement or any part of any statement made by the accused at any time and recorded by any person under any provision of any law which the prosecution intends to adduce in evidence as
- 20 part of the case for the prosecution.

### *Illustrations*

- (a) A is charged with theft of a shirt from a shop. The summary of facts should state the facts in support of the charge, for example, that the shop's security officer saw A taking a shirt in the shop and putting it into his bag, and that A
- 25 left the shop without paying for the shirt.
- (b) A is charged with conspiracy to cheat together with a known person and an unknown person. The summary of facts should state —
  - (i) when and where the conspiracy took place; and
  - (ii) who the known conspirators were and what they did.

### 30 **When Case for the Defence is served**

**169.**—(1) After the Case for the Prosecution has been filed with the court, the pre-trial judge must fix a date for a further pre-trial conference within 7 days from the date of filing.

(2) If, at the pre-trial conference the accused or any co-accused informs the pre-trial judge that he wishes to plead guilty to the charge, the pre-trial judge must, unless he orders otherwise, fix a date for his plea to be taken in accordance with Division 2.

5 (3) If, at the pre-trial conference the accused or any co-accused does not indicate that he wishes to plead guilty, the defence must file in court the Case for the Defence and serve a copy on the prosecution and on every co-accused who is claiming trial or the advocate of such co-accused within 14 days from the date of the pre-trial conference.

10 (4) The defence may at any time apply to the pre-trial judge for an extension of time to comply with subsection (3) or a further extension of time.

(5) An application by an accused or his advocate under subsection (4) must be heard in the presence of the prosecution and every co-accused or  
15 in the presence of their advocates.

(6) If the accused is not represented by an advocate, the pre-trial judge —

(a) must explain to him the requirements of this section and the consequences of non-compliance under section 187; and

20 (b) must, on application by the accused, and in the absence of the prosecution, record a statement from him containing the particulars specified in section 170, which shall be the Case for the Defence at the pre-trial conference or at some other time.

(7) Notwithstanding subsection (6)(b), an accused who is not  
25 represented by an advocate need not state any objection to any issue of law in relation to any matter contained in the Case for the Prosecution.

(8) Where the Case for the Defence is recorded under subsection (6)(b), the court must serve the Case for the Defence on the prosecution and on every co-accused who is claiming trial or the advocate of such co-accused  
30 within the time referred to in subsection (3).

### **Contents of Case for the Defence**

**170.** The Case for the Defence must contain —

(a) a summary of the facts in support of the defence to the charge;

(b) a list of the names of the witnesses for the defence; and

- (c) if objection is made to any issue of fact or law in relation to any matter contained in the Case for the Prosecution —
- (i) a statement of the nature of the objection;
  - (ii) the issue of fact on which evidence will be produced; and
  - (iii) the points of law in support of such objection.

### *Illustration*

A is charged with robbery. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim gave the items to A voluntarily) and any issue of law (for example, that A's act did not amount to robbery as the elements of that offence were not made out, or that a general exception in Chapter IV of the Penal Code applied in this case) which A intends to rely on.

### **Time for service of other statements and exhibits**

**171.**—(1) After service on the prosecution of the Case for the Defence, the prosecution must, within 14 days from the date of service, serve on the accused or his advocate copies of or parts of all other statements given by the accused and recorded by any person under any provision of any law in relation to the charge as well as copies of documentary exhibits referred to in section 168(d).

(2) Where the Case for the Defence has not been served on the prosecution, the prosecution —

- (a) need not serve on the defence any statement or any part of such statement as referred to in subsection (1); and
- (b) may produce any such statement or any part of such statement or adduce any evidence derived from such statement at the trial.

### **Fixing dates for further pre-trial or trial**

**172.** After taking into account the time periods in sections 169(3) and (4) and 171, the pre-trial judge may fix a date for trial.

### **Effect of amendment of charge and additional charges**

**173.**—(1) If the prosecution intends to amend any charge or to proceed on any additional charge against the accused at any time before the trial begins, it must serve an amended Case for the Prosecution in accordance with subsection (2) unless the amended or additional charge is founded on

the same facts as contained in the Case for the Prosecution that was earlier served.

(2) The amended Case for the Prosecution must be served on —

(a) the accused or his advocate; and

5 (b) every co-accused who is claiming trial or his advocate.

(3) The defence may file in court a supplementary Case for the Defence to state its position on the amended charge or the additional charge, and serve a copy of it on —

(a) the prosecution; and

10 (b) every co-accused who is claiming trial or his advocate.

**No duty to disclose materials unless prescribed and power of court to prohibit certain communication**

15 **174.**—(1) For the avoidance of doubt, this Division does not impose on the prosecution any duty to disclose to the accused any material that the prosecution intends or does not intend to use at the trial, unless a specific duty to do so has been prescribed by this Division.

20 (2) A judge holding a pre-trial conference under this Division may, if satisfied that it is expedient in the interests of justice, public security or propriety, or for other sufficient reason to do so, order that any information contained in the Case for the Prosecution shall not be communicated to any other person by the accused, or if the accused is represented by an advocate, by his advocate.

25 (3) Any person who acts in contravention of any order under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

*Division 4 — Transmission proceedings*

**Transmission of case to High Court**

30 **175.**—(1) A prosecution in respect of an offence which is to be tried by the High Court shall not be instituted except by or with the fiat of the Public Prosecutor designating the High Court to try the offence.

(2) Notwithstanding subsection (1), a person may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody for not more than 8 days at a time even though the fiat referred to in subsection (1) has not been obtained, but the case shall not be further prosecuted until the fiat has been obtained.

(3) In any prosecution pursuant to subsection (1), the accused shall be first produced before the Magistrate's Court and the charge shall be explained to him but he shall not be called upon to plead thereto.

(4) Upon receipt of the fiat referred to in subsection (1) together with the relevant charge, the Magistrate's Court shall cause the relevant charge to be read and explained to the accused and thereafter —

(a) transmit the case to the High Court for the purpose of trial; and

(b) order that the accused shall be remanded in custody until and during the trial unless he is released on bail.

(5) The relevant charge referred to in subsection (4) shall be brought in the name of the Public Prosecutor in the prescribed form, and shall be signed by the Public Prosecutor or by some person authorised by him in that behalf and in the latter case the words "By authority of the Public Prosecutor" shall be prefixed to the signature.

#### **Public Prosecutor may issue subsequent fiat**

**176.** If the Public Prosecutor has by his fiat designated the High Court for the trial of the accused, he may nevertheless by subsequent fiat addressed to the High Court designate a District Court or a Magistrate's Court for the trial.

#### *Division 5 — Pre-trial conference in High Court*

#### **Procedure after case has been transmitted to High Court**

**177.** After the case has been transmitted to the High Court, the Registrar of the Supreme Court shall hold a pre-trial conference and section 166 shall apply.

#### **When Case for the Prosecution is served**

**178.—**(1) Where the accused indicates that he does not wish to plead guilty to the charge, the prosecution must file the Case for the Prosecution on the Registrar of the Supreme Court, and serve the same on the accused

and every co-accused or on his advocate within 2 months from the date the case is transmitted to the High Court or such longer period as the Registrar of the Supreme Court may determine.

5 (2) If the Case for the Prosecution is not served within the period referred to in subsection (1), the accused may be discharged and such discharge shall not amount to an acquittal.

### **Contents of Case for the Prosecution**

**179.** The Case for the Prosecution must contain the following matters:

- (a) a copy of the charge;
- 10 (b) a list of the witnesses for the prosecution;
- (c) a list of exhibits that the prosecution intends to admit at the trial;
- (d) the signed statements of the witnesses showing in each case —
  - (i) the name, occupation and age of each witness;
  - 15 (ii) if the statement has been interpreted, the name and occupation of the interpreter;
  - (iii) a declaration that the statement is true to the best of the witness's knowledge and belief and that he made it knowing that, if it were given in evidence, he would be liable to prosecution if he had stated in it anything he knew to be false or did not believe to be true;
  - 20 (iv) any other relevant document referred to in the signed statements; and
- (e) any statement or any part of any statement, made by the accused and recorded by any person under any provision of any law, which the prosecution intends to produce in evidence as part of the case for the prosecution.
- 25

### **When Case for the Defence is served**

**180.**—(1) After the Case for the Prosecution has been filed with the court, the Registrar of the Supreme Court must fix a date for a further pre-trial conference within 14 days from the date of filing.

30

(2) If, at the pre-trial conference the accused or any co-accused informs the Registrar of the Supreme Court that he wishes to plead guilty to the

charge, the Registrar of the Supreme Court must fix a date for his plea to be taken in accordance with Division 2.

(3) If, at the pre-trial conference the accused or any co-accused does not indicate that he wishes to plead guilty, the defence must file in court the Case for the Defence and serve a copy on the prosecution and on every co-accused who is claiming trial or the advocate of such co-accused within 21 days from the date of the pre-trial conference or such longer period as the Registrar of the Supreme Court may determine.

(4) If the accused is not represented by an advocate, the Registrar of the Supreme Court —

(a) must explain to him the requirements of this section and the consequences of non-compliance under section 187; and

(b) must, on application by the accused, and in the absence of the prosecution, record a statement from him containing the particulars specified in section 181, which shall be the Case for the Defence at the pre-trial conference or at some other time.

(5) Notwithstanding subsection (4)(b), the accused who is not represented by an advocate need not state any objection to any issue of law in relation to any matter contained in the Case for the Prosecution.

(6) Where the Case for the Defence is recorded under subsection (4)(b), the Registrar of the Supreme Court must serve the Case for the Defence on the prosecution and on every co-accused who is claiming trial or the advocate of such co-accused within the time referred to in subsection (2)(b).

## **Contents of Case for the Defence**

**181.** The Case for the Defence must contain —

(a) a summary of the facts in support of the defence to the charge;

(b) a list of name, occupation and age of any witness for the defence; and

(c) if objection is made to any issue of fact or law in relation to any matter contained in the Case for the Prosecution —

(i) a statement of the nature of the objection;

(ii) the issue of fact on which evidence will be produced; and

(iii) the points of law in support of such objection.

*Illustration*

5 A is charged with murder. The summary should state the nature of the defence, the facts on which it is based (for example, that the victim attacked A with a knife first) and any issue of law (for example, that exceptions 2 (private defence) and 4 (sudden fight) to section 300 of the Penal Code apply).

**Time for service of other statements**

10 **182.**—(1) After service on the prosecution of the Case for the Defence, the prosecution must, within 14 days from the date of service, serve on the accused or his advocate copies of or parts of all other statements given by the accused and recorded by any person under any provision of any law in relation to the charge.

(2) Where the Case for the Defence has not been served on the prosecution, the prosecution —

- 15 (a) need not serve on the defence any statement or any part of such statement as referred to in subsection (1); and
- (b) may produce any such statement or any part of such statement or adduce any evidence derived from such statement at the trial.

**Fixing dates for further pre-trial or trial**

20 **183.** After taking into account the time periods in sections 180(3) and (4) and 182, the Registrar of the Supreme Court may fix a date for trial.

**Effect of amendment of charge and additional charges**

25 **184.**—(1) If the prosecution intends to amend any charge or to proceed on any additional charge against the accused at any time before the trial begins, it must serve an amended Case for the Prosecution in accordance with subsection (2) unless the amended or additional charge is founded on the same facts as contained in the Case for the Prosecution that was earlier served.

(2) The amended Case for the Prosecution must be served on —

- 30 (a) the accused or his advocate; and
- (b) every co-accused who is claiming trial or his advocate.

(3) The defence may file in court a supplementary Case for the Defence to state its position on the amended charge or the additional charge, and serve a copy of it on —

- (a) the prosecution; and
- (b) every co-accused who is claiming trial or his advocate.

**No duty to disclose materials unless prescribed and power of court to prohibit certain communication**

5     **185.**—(1) For the avoidance of doubt, this Division does not impose on the prosecution any duty to disclose to the accused any material that the prosecution intends or does not intend to use at the trial, unless a specific duty to do so has been prescribed by this Division.

10     (2) A Registrar of the Supreme Court holding a pre-trial conference under this Division may, if satisfied that it is expedient in the interests of justice, public security or propriety, or for other sufficient reason to do so, order that any information contained in the Case for the Prosecution shall not be communicated to any other person by the accused, or if the accused is represented by an advocate, by his advocate.

15     (3) Any person who acts in contravention of any order under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

*Division 6 — Non-compliance with this Part*

20     **Consequences of non-compliance of certain requirements under this Part by prosecution**

**186.** If before the trial —

- (a) the prosecution fails to file the Case for the Prosecution within the time prescribed under this Part;
- 25     (b) the Case for the Prosecution does not contain any or part of any of the items specified in section 168 or 179; or
- (c) the prosecution fails to comply with section 171 or 182,

the court may discharge the accused and such discharge shall not amount to an acquittal.

**Consequences of non-compliance of certain requirements under this Part by accused**

5 **187.** If the accused fails to file the Case for the Defence within the time prescribed under this Part or the Case for the Defence does not contain any or part of any of the items specified in section 170 or 181 or puts forward a defence at the trial that differs from any defence set out in the Case for the Defence then the court may, at the trial, draw such inference as it thinks fit.

PART X

10 PROCEDURE AT TRIAL IN ALL COURTS

**Interpretation of this Part**

**188.** In this Part, unless the context requires otherwise —

“co-accused” means any person charged or being tried jointly with the accused;

15 “prosecutor” means —

(a) the Public Prosecutor;

(b) the Solicitor-General;

(c) a Deputy Public Prosecutor;

(d) an Assistant Public Prosecutor appointed under section 15(3);

20 (e) any person authorised under section 15(5);

(f) a person prosecuting in summary cases before a Magistrate’s Court and referred to in section 15(9) and (10); or

(g) a person permitted under section 16(1) to prosecute by way of a fiat.

25 **Procedure at trial**

**189.** The following procedure must be complied with at the trial in all courts:

(a) at the commencement of the trial, the charge must be read and explained to the accused and his plea taken;

- (b) if the accused pleads guilty to the charge, the court must follow the procedure set out in sections 163 and 164;
- (c) if the accused refuses to plead or does not plead or claims trial, the court must proceed to hear the case;
- 5 (d) the prosecutor must open his case and state shortly the nature of the offence with which the accused is charged and the evidence by which he proposes to prove the guilt of the accused;
- (e) the prosecutor must then examine his witnesses, if any, and each of them may in turn be cross-examined by the accused and every  
10 co-accused, after which the prosecutor may re-examine them;
- (f) after the prosecutor has concluded his case, the defence may invite the court to dismiss the case on the ground that there is no case to answer and the prosecutor may reply to the submission;
- (g) the court may alter the charge or frame a new charge under  
15 section 131 before calling on the accused to give his defence and if the court does so, the charge must be read to him;
- (h) if the accused pleads guilty to this new or altered charge, the court must follow the procedure set out in sections 163 and 164;
- (i) the court must call on the accused to give his defence if it is of  
20 the view that there is some evidence which is not inherently incredible and which satisfies each and every element of the charge as framed by the prosecutor or as altered or framed by the court under section 131;
- (j) the court must order a discharge amounting to an acquittal if it is  
25 of the view that there is no such evidence as referred to in paragraph (i);
- (k) nothing in paragraphs (i) and (j) shall be deemed to prevent any court from acquitting the accused from any previous stage of the case if, for reasons to be recorded by the court, it considers the  
30 charge to be groundless;
- (l) before the accused calls any evidence in his defence, the court must inform the accused that he will be called upon by the court to give evidence in his own defence and what will happen if, when so called on, he refuses to give evidence on oath or  
35 affirmation; and the court may inform the accused in the following terms:

“I find that the prosecution has made out a case against you on the charge(s) on which you are being tried. There is some evidence, not inherently incredible, that satisfies each and every element of the charge(s). Accordingly, I call upon you to give evidence in your own defence.

You have two courses open to you. First, if you elect to give evidence you must give it from the witness box, on oath or affirmation, and be liable to cross-examination. Second, if you elect not to give evidence in the witness box, that is to say, remain silent, then I must tell you that the court in deciding whether you are guilty or not, may draw such inferences as appear proper from your refusal to give evidence, including inferences that may be adverse to you.

Let me also say, whichever course you take, it is open to you to call other evidence in your own defence. You may confer with your counsel on the course you wish to take.

I now call upon you to give evidence in your own defence. How do you elect?”;

- (*m*) after the court has called upon the accused to give his defence, the accused may —
  - (i) plead guilty to this charge, in which event the court must follow the procedure set out in sections 163 and 164; or
  - (ii) choose to give his defence;
- (*n*) when the accused is called on to begin his defence, he must, before producing his evidence and unless directed otherwise by the court in the case of an accused who is unrepresented, open his case by stating the facts or law on which he intends to rely and make such comments as he thinks necessary on the evidence for the prosecution;
- (*o*) if the accused is giving evidence in his own defence, the evidence shall, unless the court otherwise orders, be taken in the following order:
  - (i) the accused shall give evidence and then be cross-examined first by the other co-accused (if any) and then by the prosecutor after which he may be re-examined;

- (ii) any witness for the defence of the accused shall give evidence and they may in turn be cross-examined first by the other co-accused (if any) and then by the prosecutor after which he may be re-examined;
- 5 (iii) where there are other co-accused persons, they and their witnesses shall then give evidence and be cross-examined and re-examined in like order;
- (p) an accused may apply to the court to issue process for compelling the attendance of any witness for the purpose of  
10 examination or cross-examination or to produce any exhibit in court, whether or not the witness has previously been examined in the case;
- (q) the court must issue process unless it considers that the application made under paragraph (p) should be refused because  
15 it is vexatious or made to delay or frustrate justice and in such a case the court must record the reasons for the order;
- (r) before summoning any witness pursuant to an application under paragraph (p), the court may require that his reasonable expenses  
20 incurred in attending the trial be deposited in court by the defence;
- (s) at the close of the defence case, the prosecution shall have the right to call a person as a witness or recall and re-examine a person already examined, for the purpose of rebuttal, and such  
25 witness may be cross-examined by the accused and every co-accused, after which the prosecutor may re-examine him;
- (t) at the close of the defence case, the accused may sum up his case;
- (u) the prosecution shall have the final right of reply on the whole case;
- 30 (v) if the court finds the accused not guilty, it must order a discharge amounting to an acquittal;
- (w) if the court finds the accused guilty, it must record a conviction and comply with the procedure in section 164 after which it shall pass sentence in accordance with the law.

**Notice required to call witness or produce exhibits not disclosed in Case for the Prosecution or Case for the Defence**

5 **190.**—(1) The prosecutor or defence may, at a trial, call as a witness or produce an exhibit not disclosed in the Case for the Prosecution or the Case for the Defence respectively only if it has given prior notice in writing to the court and the other parties to the trial of his intention to call that witness or to produce that exhibit.

(2) The notice must state the name of the witness and an outline of his evidence, or provide a brief description of the exhibit, as the case may be.

10 **Public Prosecutor may decline further to prosecute at any stage of trial**

15 **191.**—(1) At any stage of proceedings before the conclusion of any trial, the Public Prosecutor may, if he thinks fit, inform the court that he will not further prosecute the accused upon the charge, and the proceedings on the charge against the accused must then be stayed and he shall be discharged from and of the same.

(2) Except in cases coming under section 150, a discharge under subsection (1) shall not amount to an acquittal unless the court so directs.

**Evidence to be taken in presence of accused**

20 **192.** Except as otherwise expressly provided, the evidence of a witness during a trial conducted in accordance with this Part must be taken in the presence of the accused or, when his personal attendance is dispensed with, in the presence of his advocate.

**Trial before a single judge**

25 **193.** Every trial before the High Court shall be heard and disposed of before a single judge of the High Court.

## PART XI

GENERAL PROVISIONS RELATING TO  
PROCEEDINGS IN COURTS*Division 1 — General trial provisions*5 **Right of accused to be defended**

**194.** Every person accused before any court may of right be defended by an advocate.

**Change of judge during trial**

10 **195.**—(1) Subject to subsection (3), if a judge, having heard and recorded the whole or part of the evidence in a trial, is unable to complete the case, it may be continued by another judge who has and who exercises such jurisdiction.

(2) The judge who continues the case may, in the interest of justice and without material prejudice to the parties to the proceedings —

15 (a) act on the evidence recorded by his predecessor or recorded partly by his predecessor and partly by himself; or

(b) start the trial again by summoning the witnesses.

(3) When there is a change of judge, any party to the proceedings may apply for any or all of the witnesses to be summoned and heard again and  
20 the judge must allow the application unless —

(a) the witness is dead or cannot be found or is incapable of giving evidence or is kept out of the way by the party making the application, or he cannot be brought to court without unreasonable delay or expense; or

25 (b) the court believes that the application is frivolous, vexatious or is made for the purpose of delay.

(4) The appellate court may set aside any conviction made on evidence not wholly heard by the trial court which continued the case and it may order a new trial, if it believes that the accused's defence on the merits has  
30 been materially prejudiced by the proceedings.

### **Power to postpone or adjourn proceedings**

5 **196.**—(1) The court may postpone or adjourn any proceedings on such terms it thinks fit and for as long as it considers reasonable, if the absence of a witness or any other reasonable cause makes this necessary or advisable.

(2) If the accused is not on bail, the court may by a warrant remand him in custody as it thinks fit.

(3) If the accused is on bail, the court may extend the bail.

10 (4) Subject to section 175(4)(b), no Magistrate's Court may remand an accused in custody under this section for more than 8 days at a time.

*Explanation* — If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence and it appears likely that further evidence may be obtained by a remand this is a reasonable cause for a remand.

15 (5) The court must record in writing the reasons for the postponement or adjournment of the proceedings.

### *Division 2 — Transfer of cases*

#### **High Court's power to transfer cases**

**197.**—(1) Where in respect of any case it appears to the High Court that —

20 (a) a fair and impartial trial cannot be had in any court subordinate to it;

(b) some question of law of unusual difficulty is likely to arise; or

(c) a transfer of the case is expedient for the ends of justice or is required by this Code or any other written law,

25 it may order —

(i) that the case be transferred from a court subordinate to its authority to any other court of equal or superior jurisdiction; or

(ii) that the case be transferred to and tried before the High Court.

30 (2) An application for the transfer of a case may be made and an order granted at any stage of proceedings before the conclusion of the trial.

(3) The application for the transfer of a case shall be by way of a motion and Division 3 of Part XVII shall apply, except that where the applicant is the Public Prosecutor, the motion need not be supported by affidavit.

5 (4) When an accused makes an application under this section for the transfer of a case, the High Court may, if it thinks fit, order him to execute a bond with or without sureties requiring him, if convicted, to pay the costs of the prosecution.

10 (5) Where the High Court transfers a case from a Magistrate's Court or a District Court to the High Court, the Magistrate's Court or the District Court, as the case may be, must, subject to the directions of the High Court, transfer the case to the High Court.

### **Transfer of cases by other courts**

**198.**—(1) If, at any stage of the proceedings in a Magistrate's Court or a District Court —

- 15 (a) it appears to the court that it is not competent to try the case;
- (b) the court is of the opinion that a court of a higher jurisdiction than its own should try the case; or
- (c) an application is made by the Public Prosecutor for the case to be transferred to a court of a higher jurisdiction,

20 the court must stay the proceedings and transfer the case to a court of higher jurisdiction.

25 (2) The powers conferred by subsection (1), other than the power of a Magistrate's court to transfer a case to the District Court, may be exercised only on the application of the Public Prosecutor or with his consent.

### *Division 3 — Compounding of offences*

#### **Compounding offences**

30 **199.**—(1) An offence specified in the Second column of the Second Schedule may be compounded at any time by the person specified in the third column of that Schedule or, if he is suffering from a legal or mental disability, by any person competent to act on his behalf.

(2) Notwithstanding subsection (1), where investigations have commenced for an offence specified in the Second Schedule, or when the

accused has been charged in court for the offence, the offence shall only be compounded with the consent of the Public Prosecutor on such terms as he may determine.

5 (3) Where any offence is compoundable under this section, the abetment of or a conspiracy to commit the offence, or an attempt to commit the offence when the attempt is itself an offence, may be compounded in like manner.

10 (4) Where investigations have commenced for an offence which is subsequently compounded under subsection (2), no further proceedings shall be taken against the person reasonably suspected of having committed the offence.

(5) Where after the accused has been charged in court, the offence is compounded under subsection (2), the court must order a discharge amounting to an acquittal in respect of the accused.

#### 15 **Public Prosecutor may compound offences**

**200.**—(1) The Public Prosecutor may, on such terms and conditions as he may determine, at any time compound any offence or class of offences as may be prescribed.

20 (2) Where any offence is compoundable under this section, the abetment of or a conspiracy to commit the offence, or an attempt to commit the offence when the attempt is itself an offence, may be compounded in like manner.

25 (3) Where investigations have commenced for an offence which is subsequently compounded under subsection (1), no further proceedings shall be taken against the person reasonably suspected of having committed the offence.

(4) Where after the accused has been charged in court, the offence is compounded under subsection (1), the court must order a discharge amounting to an acquittal in respect of the accused.

30 (5) The Minister shall designate the person who may collect any sum of money paid under this section for the composition of offences.

#### **Compounding of offences under other written laws**

**201.**—(1) Where any Act (other than the Penal Code) contains an express provision for the composition of offences thereunder, the person

authorised under that provision to compound such offences shall exercise the power of composition subject to any general or special directions of the Public Prosecutor.

5 (2) Where any Act (other than the Penal Code) does not contain any provision for the composition of offences thereunder, any offence under that Act or any subsidiary legislation made thereunder may be compounded under this section if the offence is prescribed under that Act as a compoundable offence.

10 (3) For the purpose of subsection (2), the power conferred on any Minister, statutory authority or other person to make subsidiary legislation under any Act to which that subsection applies shall include the power —

- (a) to prescribe the offences under that Act or any subsidiary legislation made thereunder as offences that may be compounded under this section;
- 15 (b) to designate the person who may compound such offences; and
- (c) to specify the maximum sum for which any such offence may be compoundable, except that the maximum sum so specified shall not exceed —
  - 20 (i) one half of the amount of the maximum fine that is prescribed for the offence; or
  - (ii) \$2,000,whichever is the lower.

25 (4) The person designated under subsection (3)(b) may, subject to such general or special directions that the Public Prosecutor may give, compound any offence prescribed under subsection (3)(a) by collecting from a person who is reasonably suspected of having committed the offence a sum of money not exceeding the maximum sum that is specified under subsection (3)(c) in respect of that offence.

30 (5) On payment of such sum of money, no further proceedings shall be taken against that person in respect of such offence.

*Division 4 — Previous acquittals or convictions***Person once convicted or acquitted not to be tried again for offence on same facts**

5 **202.**—(1) A person who has been tried by a court of competent jurisdiction for an offence and has been convicted or acquitted of that offence shall not be liable, while the conviction or acquittal remains in force, to be tried again for the same offence nor on the same facts for any other offence for which a different charge might have been made under section 141 or for which he might have been convicted under section 142 or 143.

(2) A person acquitted or convicted of any offence may afterwards be tried for any distinct offence for which a separate charge might have been made against him in the former trial under section 137.

15 (3) A person convicted of any offence constituted by any act causing consequences that together with that act amount to a different offence from that of which he was convicted may afterwards be tried for that different offence if the consequences had not happened or were not known to the court to have happened at the time when he was convicted.

20 (4) A person acquitted or convicted of any offence constituted by certain acts may, notwithstanding the acquittal or conviction, be charged later with and tried for any other offence constituted by the same acts which he may have committed if the court that first tried him was not competent to try the offence with which he is subsequently charged.

25 *Explanation* — The dismissal of a complaint or the discharge of the accused is not an acquittal for the purposes of this section.

*Illustrations*

- (a) A is tried on a charge of theft as a servant and acquitted. While the acquittal remains in force, he cannot afterwards be charged on the same facts with theft as a servant or with theft simply or with criminal breach of trust.
- 30 (b) is tried on a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed. He may afterwards be charged with and tried for robbery.
- (c) A is tried for causing grievous hurt and convicted. Afterwards, the person injured dies of his injuries. A may be tried again for culpable homicide.
- 35

(d) A is tried and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(e) A is charged with and convicted of voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts unless the case comes within subsection (3).

### **Plea of previous acquittal or conviction**

**203.**—(1) The plea of previous acquittal or conviction may be made orally or in writing and may be in the following form or to the following effect:

10           “The accused says that by virtue of Article 11(2) of the Constitution or section 202 of the Criminal Procedure Code he is not liable to be tried.”.

(2) This plea may be made with any other plea, but the issue raised by the plea must be tried and disposed of before the issues raised by the other  
15 pleas are tried.

(3) When an issue is tried on a plea of a previous acquittal or conviction, the record of proceedings of the former trial is admissible as evidence to prove or disprove that the charges are based on the same facts.

### *Division 5 — Proceedings relating to persons of unsound mind*

#### **20 Interpretation of this Division**

**204.** In this Division —

“designated medical practitioner”, in relation to any psychiatric institution, has the same meaning as in the Mental Health (Care and Treatment) Act 2008 (Act 21 of 2008);

25           “principal officer”, in relation to any psychiatric institution, has the same meaning as in the Mental Health (Care and Treatment) Act 2008;

“psychiatric institution” has the same meaning as in the Mental Health (Care and Treatment) Act 2008.

#### **30 Procedure if accused is suspected to be of unsound mind**

**205.**—(1) When a court holding or about to hold any inquiry or trial has reason to suspect that the accused is of unsound mind and consequently

incapable of making his defence, the court shall in the first instance investigate the fact of such unsoundness.

5 (2) Such investigation may be held in the absence of the accused person if the court is satisfied that owing to the state of the accused's mind it would be in the interests of the safety of the accused or of other persons or in the interests of public decency that he should be absent, and the court may receive as evidence a certificate in writing signed by a medical officer to the effect that the accused person is in his opinion of unsound mind or is a proper person to be detained for observation in a psychiatric institution, or the court may, if it sees fit, take oral evidence from a  
10 medical officer on the state of mind of the accused person.

15 (3) If the court is not satisfied that the person is capable of making his defence, the court shall postpone the inquiry or trial and shall remand the person for a period not exceeding one month to be detained for observation in a psychiatric institution.

20 (4) The principal officer must keep the accused under observation during his remand and, before the expiry of that period, shall certify in writing to the court his opinion as to the person's state of mind and if he is unable within that period to form any conclusion, shall so certify to the court and shall ask for a further remand.

(5) Any court before which a person suspected to be of unsound mind is accused of any offence may, on the application of the Public Prosecutor, made at any stage of the proceedings before the trial, order that that person be sent to a psychiatric institution for observation.

25 (6) The principal officer may, notwithstanding any other provision of law, detain any such accused person sent to the psychiatric institution for observation under subsection (5) for such period, not exceeding one month, as may be necessary to enable him to form an opinion as to the state of mind of that person, and shall forward a copy of his opinion, in  
30 writing, to the Public Prosecutor.

### **Certificate of medical superintendent**

35 **206.**—(1) If the principal officer certifies that the accused person is of sound mind and capable of making his defence, the court shall, unless satisfied to the contrary, proceed with the inquiry or trial, as the case may be.

(2) If the principal officer certifies that that person is of unsound mind and incapable of making his defence, the court shall unless satisfied to the contrary, find accordingly, and thereupon the inquiry or trial, as the case may be, shall be stayed but if the court is satisfied that the accused person  
 5 is of sound mind and capable of making his defence the court shall proceed with the inquiry or trial, as the case may be.

(3) The determination of the issue as to whether or not the accused person is of unsound mind and incapable of making his defence shall, if the finding is that he is of sound mind and capable of making his defence,  
 10 be deemed to be part of his trial before the court.

(4) The certificate of the principal officer shall be receivable as evidence under this section.

(5) If the accused person is certified to be of unsound mind and incapable of making his defence it shall not be necessary for him to be  
 15 present in court during proceedings under this section and he may be detained in a psychiatric institution pending an order under section 207.

### **Release of person of unsound mind pending investigation or trial**

**207.**—(1) If an accused is found to be of unsound mind and incapable of making his defence, and if the offence charged is bailable, the court may  
 20 release him on sufficient security being given that —

- (a) he will be properly taken care of;
- (b) he will be prevented from injuring himself or any other person;
- (c) he will appear in court when required or before such officer as the court appoints for that purpose; and
- 25 (d) any other conditions that the court may determine will be met.

(2) If the offence charged is not bailable or if sufficient security is not given, the court shall report the case to the Minister who may, in his discretion, order the accused to be confined in a psychiatric institution or any other suitable place and the court shall give effect to that order.

30 (3) Pending the order of the Minister under subsection (2), the accused may be remanded for detention in a prison, mental hospital or other suitable place of safe custody.

### **Resumption of proceedings**

**208.**—(1) When an inquiry or a trial is —

(a) postponed for the accused to be detained for observation in a psychiatric institution under section 205; or

5 (b) stayed under section 206,

the court may at any time begin the inquiry or trial afresh and require the accused to appear or be brought before the court.

(2) If the accused has been released under section 207, the court may require the accused to appear or be brought before it and may again proceed under section 205.

10

### **Acquittal on ground of mental disorder**

**209.** If an accused is acquitted on the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act as constituting the offence or that it was wrong or contrary to law, the finding must state specifically whether he committed the act or not.

15

### **Safe custody of person acquitted**

**210.**—(1) Whenever the finding states that the accused person committed the act alleged, the court before which the trial has been held shall, if that act would but for incapacity found have constituted an offence, order that person to be kept in safe custody in such place and manner as the court thinks fit and shall report the case for the orders of the Minister.

20

(2) The Minister may order that person to be confined in a psychiatric institution, prison or other suitable place of safe custody during the President's pleasure.

25

### **Visiting of prisoners of unsound mind**

**211.**—(1) If a person is confined under section 207(2) or 210 in a prison or psychiatric institution, the medical officer of the prison or 2 of the visitors of the psychiatric institution, respectively, may, subject to subsection (2), visit him to ascertain his state of mind.

30

(2) The person confined under section 207(2) or 210 must be visited at least once every 6 months and the medical officer or visitors, as the case

may be, must make a special report to the Minister as to the prisoner's state of mind.

**Procedure when person of unsound mind is reported able to make defence**

5     **212.**—(1) If a person is confined under section 207(2) and is certified by a principal officer and 2 of the visitors of the psychiatric institution to be capable of making his defence, the court must proceed with the inquiry or trial, as the case may be, and the certificate shall be receivable as evidence.

10     (2) Where after the trial is proceeded with against the person referred to in subsection (1) —

    (a) the person is acquitted at the end of the trial; or

    (b) the charge against the person is withdrawn at any time after the commencement of the trial,

15     the court may, after due inquiry, send the person to a designated medical practitioner at a psychiatric institution for treatment and the person may thereafter be dealt with in accordance with the provisions of the Mental Health (Care and Treatment) Act 2008.

20     (3) Where after the trial is proceeded with against the person referred to in subsection (1) —

    (a) the person is convicted of an offence at the end of the trial;

    (b) the person is acquitted at the end of the trial; or

    (c) the charge against the person is withdrawn at any time after the commencement of the trial,

25     any order made by the Minister under section 207(2) shall be deemed to have lapsed.

**Delivery of person of unsound mind to care of relative**

30     **213.**—(1) If a relative or friend of a person confined under section 207(2) or 210 wishes the person to be delivered to his care and custody, he may apply for this and give security to the satisfaction of the Minister that —

    (a) that person will be properly cared for;

- (b) that person will be prevented from injuring himself or any other person;
- (c) that person will be produced for inspection by an officer at such time as the Minister directs; and
- 5 (d) the relative or friend of that person will be able to meet any other conditions that the Minister may impose,

and if the Minister is so satisfied, he may order the person to be delivered to that relative or friend.

10 (2) If a person is confined under section 207(2), the Minister may further require the relative or friend to give security to his satisfaction that if at any time the Minister thinks the person is capable of making his defence, the relative or friend will produce the person for trial.

15 (3) Notwithstanding that a person confined under section 207(2) or 210 has been delivered to a relative or friend of that person under subsection (1), the Minister may, after receiving a special report referred to in section 211(2), order that the person be confined again in a psychiatric institution or any other suitable place.

(4) Sections 211 and 214 apply with the necessary modifications to a person delivered under this section.

#### 20 **Procedure when person of unsound mind is reported fit for discharge**

25 **214.**—(1) If the medical officer of a prison or the principal officer and 2 visitors of the psychiatric institution in which a person is confined under section 207(2) or 210 certify that in his or their judgment the person may be discharged without danger of injuring himself or any other person, the Minister may order him to be discharged, detained in custody or in prison, or sent to a psychiatric institution if he has not already been sent there.

30 (2) If the Minister orders the person to be sent to a psychiatric institution, he may appoint a commission consisting of a Magistrate and 2 medical officers to make formal inquiry into the person's state of mind, taking such evidence as is necessary, and to report to the Minister, who may order his discharge or detention as he thinks fit.

## PART XII

## EVIDENCE AND WITNESSES

*Division 1 — Preliminary***Interpretation of this Part**

5     **215.** In this Part —

“confession” means a statement made at any time by a person accused of an offence, stating or suggesting the inference that he committed that offence;

10     “statement” includes any representation of fact, whether made in words or otherwise.

*Division 2 — Admissibility of certain types of evidence***Admissibility of accused’s statements**

15     **216.**—(1) Where any person is charged with an offence, any statement made by the person, whether it amounts to a confession or not or is oral or in writing, made at any time, whether before or after the person is charged and whether or not in the course of any investigation carried out by any law enforcement agency, is admissible in evidence at his trial; and if that person tenders himself as witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

20     (2) Notwithstanding subsection (1), the court shall refuse to admit the confession of an accused or allow it to be used in the manner referred to in that subsection if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused grounds  
25     which would appear to him reasonable for supposing that by making the confession he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

30     *Explanation* — A confession made by an accused does not become inadmissible in evidence under this section merely because it was made in any of the following circumstances:

- (a) under a promise of secrecy, or in consequence of a deception practised on the accused for the purpose of obtaining it;
- (b) when the accused was drunk;
- (c) in answer to questions which the accused need not have answered whatever  
5 may have been the form of those questions; or
- (d) where the accused was not warned that he was not bound to make the confession and that evidence of it might be given against him.

(3) If the confession referred to in subsection (2) is made after the impression caused by any such inducement, threat or promise has, in the  
10 opinion of the court, been fully removed, it shall be admissible.

(4) Notwithstanding subsection (2), when any fact or thing is discovered in consequence of information received from a person accused of any offence in the custody of any police officer, so much of such information, whether such information amounts to a confession or not, as relates  
15 distinctly to the fact or thing thereby discovered may be proved.

(5) When more persons than one are being tried jointly, and a confession made by one of such persons affecting himself and some other of such persons is proved, the court may take into consideration the confession as against the other person as well as against the person who  
20 makes the confession.

### *Illustrations*

- (a) *A* and *B* are jointly tried for the murder of *C*. It is proved that *A* said “*B* and I murdered *C*”. The court may consider the effect of this confession as against  
25 *B*.
- (b) *A* is on trial for the murder of *C*. There is evidence to show that *C* was murdered by *A* and *B* and that *B* said “*A* and I murdered *C*”. This statement may not be taken into consideration by the court against *A* as *B* is not being jointly tried.

### **Admissibility of witness’ statements**

30 **217.**—(1) Where a witness other than the accused testifies in court, any statement made by him in the course of any investigation by any law enforcement agency is inadmissible in evidence, except where the statement is used to impeach the credit of the witness in the manner provided by the Evidence Act.

35 (2) Where any person is charged with any offence in relation to the making or contents of any statement made by him to a police officer or an

officer of a law enforcement agency in the course of an investigation carried out by that officer, that statement may be used as evidence in the prosecution.

5 (3) Nothing in this section shall be construed to apply to any statement made in the course of an identification parade or falling within section 32(a) of the Evidence Act.

### **Admissibility of report on first information made under section 19**

10 **218.**—(1) In any proceeding under this Code, if an investigation officer certifies as a true copy a copy of a report received or recorded under section 19(3) or (4) or of a note made under section 19(6), the certified copy is admissible as evidence of the original information and of the date, time and place at which it was given.

(2) Subject to section 219, a court may require to be shown the original report or note.

### **15 Duty not to reveal identity of informant**

**219.**—(1) Subject to any other written law on the protection of informers' identities —

(a) a court, prior to or in the course of any civil or criminal proceedings, must not order the production of —

20 (i) any part of a report or note referred to in section 19(3), (4) or (6) or any part of a certified true copy referred to in section 218 that contains the name or address of the informant; or

25 (ii) any document or other thing from which the identity of the informant may be revealed; and

(b) no witness shall be obliged or permitted to —

(i) disclose the name and address of any informant who has given information of any offence under section 19; or

30 (ii) answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of the informant who has given information under section 19,

if the Public Prosecutor certifies that the disclosure of the informant's identity would not be in the public interest.

(2) If any book, document or paper which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informant is named or described or which may lead to his discovery, contrary to the prohibition in subsection (1), the prosecutor shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informant from discovery.

### **Admissibility of statement not complying with sections 26 and 27**

**220.** If an accused's statement recorded under section 26 or 27 is presented to a court as evidence, but the court finds that the recording officer or interpreter of the statement did not fully comply with that section, it must take evidence as to whether the accused duly made the statement recorded and, if it is satisfied of that, it must, subject to section 216(2) admit the statement in evidence if the error has not prejudiced the accused's defence on the merits.

### **Inferences from accused's silence**

**221.—(1)** Where in any criminal proceeding, evidence is given that the accused —

- (a) on being cautioned under section 27, failed to mention any fact which he subsequently relies on in his defence; or
- (b) on being charged with the offence, failed to mention any such fact,

being a fact which in the circumstances existing at the time he could reasonably have been expected to mention when so questioned, charged or informed, as the case may be, the court may in determining —

- (i) whether there is a case to answer; and
- (ii) whether the accused is guilty of the offence charged,

draw such inferences from the failure as appear proper; and the failure may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given against the accused in relation to which the failure is material.

(2) Subsection (1) does not —

- (a) prejudice the admissibility in criminal proceedings of evidence of the silence or other reaction of the accused in the face of anything said in his presence relating to the conduct for which he

is charged, in so far as evidence of this would be admissible apart from that subsection; or

- (b) preclude the drawing of any inference from any such silence or other reaction of the accused which could be drawn apart from that subsection.

5

### **Use of affidavits sworn by witnesses**

**222.**—(1) Notwithstanding anything in the Evidence Act, any statement made by a witness may be admitted in any criminal court, if it is sworn —

- (a) in Singapore, before any judge, District Judge, Registrar, Deputy Registrar or Magistrate or before any commissioner for oaths appointed or deemed to have been appointed under the Supreme Court of Judicature Act (Cap. 322);
- (b) elsewhere in the Commonwealth before any judge, court, notary public or person lawfully authorised to administer oaths;
- (c) in any other place, before any consul or vice-consul of Singapore, Malaysia or the United Kingdom.

10

15

(2) The court shall take judicial notice of the seal or signature, as the case may be, of any judge, court, notary public, person, consul or vice-consul appended or subscribed to any affidavit.

20

(3) In assessing the weight, if any, to be attached to the affidavit which has been admitted as evidence in any criminal proceedings, the court shall have regard to whether it was possible to challenge the statement by questioning the person who made it.

### **Report of qualified persons**

25

**223.**—(1) A document, including any exhibits and annexures identified in the document which is presented as the report of a qualified person concerning a matter or thing duly submitted to him for examination, analysis or report, may be used as evidence in any criminal proceeding under this Code, and the qualified person need not be called as a witness unless the court or any of the parties requires that person to be examined orally or cross-examined on the report.

30

(2) Qualified persons are by this Code bound to state the truth in their reports.

(3) A report of a qualified person is admissible as prima facie evidence of the facts stated in it.

(4) In this section, “qualified person” means a person specified by the Minister by notification in the *Gazette* for the purposes of this section.

5 **Conditioned statements**

**224.**—(1) Notwithstanding anything in this Code or in any written law, a written statement made by any person is admissible as evidence in any criminal proceeding, to the same extent and to the same effect as oral evidence by the person, if the following conditions are satisfied:

- 10 (a) the statement appears to be signed by the person who made it;
- (b) the statement contains a declaration by the person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were given in evidence, he would be liable to prosecution if he stated in it anything he knew
- 15 to be false or did not believe to be true;
- (c) before the hearing at which the statement is given in evidence, a copy of the statement is served, by or on behalf of the party proposing to give it, on each of the other parties to the proceedings;
- 20 (d) before or during the hearing, the parties agree to the statement being given in evidence under this section; and
- (e) the court is satisfied that an accused, who is not represented by an advocate, is aware of this section.

25 (2) The following provisions also apply to any written statement given in evidence under this section:

- (a) if the statement is by a person under the age of 21 years, it must state his age;
- (b) if it is made by a person who cannot read it, it must be read to him before he signs it and must be accompanied by a declaration
- 30 by the person who read the statement to him, stating that it was so read; and
- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under subsection (1)(c) must be accompanied by a copy of that document or by

information that will enable the party on whom it is served to inspect that document or a copy of it.

(3) Where in any criminal proceedings, a written statement made by any person is admitted in evidence under this section —

- 5       (a) the party by whom or on whose behalf a copy of the statement was served may call the person to give evidence; and
- (b) the court may, of its own motion or on the application of any party to the proceedings, require the person to attend before the court and give evidence.

10       (4) So much of any statement as is admitted in evidence under this section must, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

15       (5) A document or object referred to as an exhibit and identified in a written statement given in evidence under this section must be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

      (6) A document required by this section to be served on a person may be served in the manner provided for under section 3.

20       **When evidence of past possession of stolen property allowed**

**225.** Where proceedings are taken against a person for having received goods knowing them to be stolen or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in his possession other property stolen within the preceding

25       12 months and that evidence may be taken into consideration when proving that the person knew that the property which is the subject of the proceedings was stolen.

**When evidence of previous conviction allowed**

**226.—(1)** Where —

- 30       (a) proceedings are taken against a person for having received goods knowing them to be stolen or for having in his possession stolen property, and
- (b) evidence is given that the stolen property was found in his possession,

then, if he has been convicted of an offence involving fraud or dishonesty within the 5 years immediately preceding, evidence of that previous conviction may be given and may be taken into consideration when proving that the accused knew that the property in his possession was stolen.

(2) The accused must be given at least 7 days' written notice that proof will be given of the previous conviction under subsection (1).

(3) For the purposes of subsection (1), the previous conviction of the accused need not be entered in the charge.

### **Proof by formal admission**

**227.**—(1) Subject to this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the Public Prosecutor or the accused, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section —

(a) may be made before or at the proceedings;

(b) if made otherwise than in court, must be in writing;

(c) if made in writing by an individual, must purport to be signed by the person making it and, if made by a body corporate, must purport to be signed by an officer of that body corporate;

(d) if made on behalf of an accused who is an individual, must be made by his advocate;

(e) if made before the trial by an accused who is an individual, must be approved by his advocate before or at the proceedings in question.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter, including any appeal or retrial.

(4) An admission under this section may with the leave of the court be withdrawn in the proceedings for which it is made or any subsequent criminal proceedings relating to the same matter.

**Hearsay evidence admissible only under this Code or other law**

228. In any criminal proceedings, a statement other than one given orally in those proceedings is admissible as evidence of any fact stated therein to the extent that it is so admissible by this Code or any other  
5 written law.

**Definitions, etc., for sections 230 to 237**

229.—(1) In this section and in sections 230 to 237 —

“document” includes, in addition to a document in writing —

- (a) any map, plan, graph or drawing;
- 10 (b) any photograph;
- (c) any disc, tape, sound-track, or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it; and
- 15 (d) any film, negative, tape or other device in which one or more visual images are embodied so that they can be likewise reproduced from it;

“film” includes a microfilm.

(2) In this section and in sections 230 to 237, a reference to a copy of a  
20 document includes —

- (a) in the case of a document falling within paragraph (c) but not paragraph (d) of the definition of “document”, a transcript of the sounds or other data embodied in it;
- 25 (b) in the case of a document falling within paragraph (d) but not paragraph (c) of that definition, a reproduction or still reproduction of the image or images embodied in it, whether enlarged or not;
- (c) in the case of a document falling within paragraphs (c) and (d) of that definition, such a transcript together with such a still  
30 reproduction; and
- (d) in the case of a document not falling within paragraph (d) of that definition of which a visual image is embodied in a document

falling within that paragraph, a reproduction of that image, whether enlarged or not,

and any reference to a copy of the material part of a document must be construed accordingly.

- 5 (3) For the purposes of this section and of sections 230 to 237, a protest, greeting or other verbal utterance may be treated as stating any fact that the utterance implies.

### **Admissibility of out-of-court statements as evidence of facts stated**

10 **230.**—(1) Subject to this section and section 231 and to the rules of law governing the admissibility of confessions, any statement made, whether orally or in a document or otherwise, by a person is admissible as evidence in any criminal proceedings of any fact given in that statement of which direct oral evidence by him would be admissible if —

- 15 (a) being compellable to give evidence on behalf of the party desiring to give the statement in evidence, he attends or is brought before the court, but refuses to be sworn or affirmed, or is sworn or affirmed but refuses to give any evidence; or
- (b) it is shown with respect to him —
- 20 (i) that he is dead or is unfit because of his bodily or mental condition to attend as a witness;
- (ii) that he cannot be found whether within or outside Singapore;
- (iii) that he is beyond the seas and it is not practicable to secure his attendance; or
- 25 (iv) that, being competent but not compellable to give evidence on behalf of the party desiring to give the statement in evidence, he refuses to do so.

30 (2) Where a person makes an oral statement to or in the hearing of another person who, at the request of the maker of the statement, puts it (or the substance of it) into writing at the time or reasonably soon afterwards, thereby producing a corresponding statement in a document, the statement in the document is for the purposes of this section (and sections 231 and 233 so far as they have effect for the purposes of this section) the statement of the speaker.

### **Restrictions on admissibility of statements under section 230**

5 **231.**—(1) A statement shall not be admissible in evidence in any criminal proceedings by virtue of section 230(1)(a) or (b)(ii) to (iv), if it was made after the commencement of investigations into the offence which is the subject matter of the proceedings.

(2) Subject to subsection (1), evidence under section 230 may not be given on behalf of a party to the proceedings, unless —

(a) that party has previously served a notice in writing on each of the other parties of his intention to introduce the evidence;

10 (b) the notice complies with the requirements of subsection (3); and

(c) the leave of the court is obtained.

(3) The requirements referred to in subsection (2)(b) are as follows:

(a) the notice must state on which of the grounds in section 230(1)(b) it is claimed that the statement is admissible;

15 (b) in the case of a statement not made in a document, the notice must state whether it was made orally or in some other manner (and if so, what), and must also state —

(i) the time and place at which the statement was made;

20 (ii) the name of the maker of the statement and (unless he is dead) his address, if known;

(iii) the name and address of a person who heard or otherwise perceived the statement being made; and

25 (iv) the substance of the statement or, if it was made orally and the actual words used in making it are material, the words used;

(c) in the case of a statement made in a document, the notice must contain or have attached to it a copy of that document, or of the relevant part of it, and must state the following matters:

(i) the matters mentioned in paragraph (b)(i) and (ii); and

30 (ii) if the maker of the document is different from the maker of the statement, the name of the maker of the document and (unless he is dead) his address, if known,

if the information is not readily apparent from the document or the relevant part of the document.

(4) A notice required by subsection (2) to be served on any person may be served in the manner provided for under section 3.

5 **Admissibility of certain records as evidence of facts stated**

**232.**—(1) Without prejudice to section 35 of the Evidence Act (Cap. 97), in any criminal proceedings a statement in a document is, subject to this section, admissible as evidence of any fact stated in it of which direct oral evidence would be admissible if —

- 10 (a) the document is, or forms part of, a record compiled by a person acting under a duty from information which —
- (i) was supplied by a person (whether acting under a duty or not) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in that information; and
  - 15 (ii) if not supplied by that person to the compiler of the record directly, was supplied by him to the compiler of the record indirectly through one or more intermediaries each acting under a duty; and
- 20 (b) the person who originally supplied the information from which the record containing the statement was compiled satisfies the condition specified in subsection (2)(a) or (b) or any of the conditions specified in subsection (2)(c).
- (2) The conditions referred to in subsection (1)(b) are —
- 25 (a) that the person in question has been or is to be called as a witness in the proceedings;
- (b) that the person in question, being compellable to give evidence on behalf of the party wishing to give the statement in evidence, attends or is brought before the court —
- 30 (i) but refuses to be sworn or affirmed; or
- (ii) is sworn or affirmed but refuses to give any evidence; or
- (c) that it is shown with respect to the person in question —
- (i) that he is dead or is unfit by reason of his bodily or mental condition to attend as a witness;

- (ii) that he cannot be found whether within or outside Singapore;
- (iii) that he is beyond the seas and that it is not practicable to secure his attendance;
- 5 (iv) that, being competent but not compellable to give evidence on behalf of the party desiring to give the statement in evidence, he refuses to give evidence on behalf of that party; or
- 10 (v) that, because of the time that has elapsed since he supplied the information and considering all the circumstances, he cannot reasonably be expected to remember the matters dealt with in the statement.

(3) A statement shall not be admissible in evidence in any criminal proceedings by virtue of subsection (2)(b) or (c)(ii) to (iv) if the person who originally supplied the information from which the record containing the statement was compiled did so after the commencement of investigations into the offence which is the subject-matter of the proceedings.

(4) Where a document setting out the evidence which a person could be expected to give as a witness has been prepared for the purpose of any pending or contemplated proceedings, whether civil or criminal, and that document falls within subsection (1)(a), then, in any criminal proceedings in which that person has been or is to be called as a witness, a statement contained in that document shall not be given in evidence by virtue of subsection (2)(a) or (c)(v) without the leave of the court; and the court shall not give leave under this subsection in respect of any such statement unless it is of the opinion that, in the particular circumstances in which that leave is sought, it is in the interests of justice for the witness's oral evidence to be supplemented by the reception of that statement or for the statement to be received as evidence of any matter about which he is unable or unwilling to give oral evidence.

(5) A reference in this section to a person acting under a duty includes a reference to a person acting in the course of any trade, business, profession or other occupation in which he is engaged or employed for the purposes of any paid or unpaid office he holds.

### Provisions supplementary to section 230 or 232

233.—(1) Where in criminal proceedings a statement in a document is admissible in evidence under section 230 or 232, it may be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part of it, authenticated in a manner approved by the court.

(2) The court may, in deciding whether a statement is admissible in evidence under section 230 or 232, draw any reasonable inference from the circumstances in which the statement was made or otherwise came into being or from any other circumstances, including, in the case of a statement in a document, the form and contents of that document.

(3) In estimating any weight to be attached to a statement admissible in evidence under section 230 or 232, the court must consider all the circumstances from which it might reasonably infer the accuracy of the statement, and in particular —

- (a) in the case of a statement falling within section 230(1), whether the statement was made at the same time as the stated facts occurred or existed, and whether the maker of the statement had any incentive to conceal or misrepresent the facts; and
- (b) in the case of a statement falling within section 232, whether the person who originally supplied the information from which the record containing the statement was compiled did so at the same time as the facts dealt with in that information occurred or existed, and whether that person, or any person concerned with compiling or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

(4) For the purpose of any rule of law or practice that requires evidence to be corroborated or that regulates the manner in which uncorroborated evidence is to be treated —

- (a) a statement that is admissible in evidence under section 230 is not capable of corroborating evidence given by the maker of the statement; and
- (b) a statement that is admissible in evidence under section 232 is not capable of corroborating evidence given by the person who originally supplied the information for the record containing the statement.

### **Admissibility of hearsay evidence by agreement of parties**

234.—(1) As regards a statement in a document or made by a person in any other form than a document, if the parties to any criminal proceedings agree at a hearing that for the purpose of those proceedings the statement may be given in evidence, then, unless the court otherwise directs, the statement is admissible in those proceedings and in any proceedings arising out of them (including any appeal or retrial) as evidence of any fact stated therein.

(2) An agreement under subsection (1) does not enable a statement to be given in evidence under this section on the prosecution's behalf unless at the time the agreement is made the accused or any of the accused is represented by an advocate.

(3) Where in any criminal proceedings a statement in a document is admissible under this section, it may be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part of it, authenticated in a way approved by the court.

(4) Where a statement is given in evidence under this section but might have become admissible in evidence under section 230 or 232, section 233(4) applies to it as if it were admissible under section 230 or 232, as the case may be.

### **Admissibility of evidence as to credibility of maker, etc., of statement admitted under certain provisions of this Part**

235.—(1) Where in criminal proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence under section 230 —

(a) any evidence which, if that person had been so called, would be admissible for the purpose of undermining or supporting that person's credibility as a witness, is admissible for that purpose in those proceedings; and

(b) as regards any matter which, if that person had been so called, could have been put to him in cross-examination for the purpose of undermining his credibility as a witness, being a matter of which, if he had denied it, evidence could not have been adduced by the cross-examining party, evidence of that matter may with leave of the court be given for that purpose.

(2) Where in criminal proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence under section 230, evidence tending to prove that, whether before or after he made that statement, he made another statement (orally, written or otherwise) inconsistent with the first-mentioned statement is admissible for the purpose of showing that he has contradicted himself.

(3) Subsections (1) and (2) apply in relation to a statement given in evidence under section 232 as they apply to a statement given under section 230, except that references to the person who made the statement and to his making the statement must be read respectively as references to the person who originally supplied the information from which the record containing the statement was compiled and to his supplying that information.

(4) Section 230(2) applies for the purposes of this section as it applies for the purposes of section 230.

### **Saving for exceptions to the rule against hearsay in Evidence Act**

**236.** This Part does not prejudice the admissibility in criminal proceedings of a statement that would, under the Evidence Act (Cap. 97) or any other law, be admissible as evidence of a fact stated therein.

### **Application of sections 230 to 235 to statements of opinion**

**237.**—(1) Subject to this section, sections 230 to 235 apply to statements of opinion as they apply to statements of fact, subject to the necessary modifications and in particular the modification that reference in those sections to a fact stated in a statement must be read as a reference to a matter dealt with in the statement.

(2) Section 232, as applied by subsection (1), does not make admissible in criminal proceedings a statement of opinion in a record unless that statement would be admissible in those proceedings if made while giving oral evidence by the person who originally supplied the information from which the record was compiled; but where a statement of opinion in a record deals with a matter on which the person who originally supplied that information is (or if living would be) qualified to give oral expert evidence, section 232, as applied by subsection (1), has effect in relation to that statement as if so much of section 232(1) as requires personal knowledge on the part of that person were omitted.

(3) Where a person is called as a witness in criminal proceedings, a statement of opinion by him on a relevant matter on which he is not qualified to give expert evidence, if made as a way of conveying relevant facts personally perceived by him, is admissible as evidence of what he perceived.

### Notice of alibi

**238.**—(1) In any trial, the accused may not, without leave of the court, offer evidence in support of an alibi unless he gives notice of particulars of the alibi.

(2) Without prejudice to subsection (1), the accused may not call a witness to give such evidence without leave of the court unless the following conditions apply:

(a) the notice under subsection (1) includes the name and address of the witness or, if the accused does not know the name or address at the time he gives the notice, any information he has that might help find the witness;

(b) if the name or the address is not included in that notice, the court is satisfied that the accused, before giving the notice, took and continued taking all reasonable steps to find out the name or address;

(c) if the name or the address is not included in that notice, but the accused later discovers the name or address or receives other information that might help to find the witness, he immediately gives notice of the name, address or other information, as the case may be; and

(d) if the accused is notified by, or on behalf of, the Public Prosecutor that the witness has not been traced by the name or at the address given, he gives notice immediately of the information he has or later receives.

(3) Subject to any directions by the court as to the time it is to be given, evidence to disprove an alibi may be given before or after evidence in support of the alibi.

(4) Unless the contrary is proved, a notice offered under this section on behalf of the accused by his advocate is regarded as been given with the accused's authority.

(5) A notice under subsection (1) must either be given —

(a) to the court when the accused is first charged in court in relation to the offence for which he is raising the defence of an alibi; or\

5 (b) in writing to the Public Prosecutor or to the officer in charge of the prison where the accused is kept for him to forward to the Public Prosecutor within 14 days from the date he is charged in court for the first time with the offence for which he is raising the defence of an alibi.

10 (6) A notice under subsection (2)(c) or (d) must be given in writing to the Public Prosecutor.

(7) A notice required by this section to be given to the Public Prosecutor may be delivered to him, or left at his office, or sent in a registered letter addressed to him at his office.

15 (8) If the Public Prosecutor or any investigating officer interviews any witness who is named in a notice given under this section, the accused or his advocate is entitled to be present at the interview.

20 (9) The court may not refuse leave under this section if no advocate appears to have been instructed to act for the accused at any time before his trial and if it is satisfied that the accused was unaware of the provisions of this section.

(10) In this section, “evidence in support of an alibi” means evidence tending to show that because the accused was present at a place or in an area at a certain time he was not, or was unlikely to have been, at the place where the offence was committed at the relevant time.

25 *Division 3 — Ancillary hearing*

### **Procedure to determine admissibility of evidence**

30 **239.**—(1) Subject to any written law, where any party objects to the admissibility of any evidence which the prosecution or the defence intends to tender at any stage of the trial, the court must determine it separately at an ancillary hearing before continuing with the trial.

*Illustrations*

- (a) Evidence is to be given of a tape recording that is said to be of a conversation between *X* and *Y*. There is an objection that the tape has been tampered with. The court must hold an ancillary hearing to determine its admissibility.
- 5 (b) *X* is accused of murdering *Y* and disposing of the body by dismembering it. The prosecution seeks to offer evidence that *X* was involved in the murder of *Z* where similar dismemberment was done. The defence objects to the admission of such evidence. The court must hold an ancillary hearing to determine the admissibility of the evidence.
- 10 (c) The prosecution seeks to admit the confession of the accused. He alleges that the confession was given involuntarily as a result of a threat, inducement or promise. The court must hold an ancillary hearing to determine whether the confession was given voluntarily.
- (d) The prosecution seeks to admit a confession of the accused, who denies that he made it. No ancillary hearing is necessary as this does not relate to the voluntariness of the confession.
- 15 (e) *X* is accused of murdering *Y*. *Z*, a good friend of *X*, testifies that *X* told him that he had murdered *Y*, which is denied by *X*. As *Z* is not a person in authority, no ancillary hearing is necessary as there is no issue of admissibility.
- 20

(2) In an ancillary hearing, any evidence adduced shall be limited only to the ancillary issue.

(3) The following procedure shall be complied with in an ancillary hearing:

- 25 (a) the party seeking to admit the evidence shall produce his evidence on the ancillary issue;
- (b) the party must then examine his witnesses, if any, and each of them may in turn be cross-examined by the other party and every co-accused, as the case may be, after which the first party may re-examine them;
- 30 (c) after the party has concluded his case, the court shall call on the other party to present his evidence;
- (d) when the other party is called on to present its evidence, the other party shall examine his witnesses, if any, and each of them may in turn be cross-examined by the first party and every co-accused, as the case may be, after which they may be re-examined;
- 35

- (e) at the close of the other party's case, whether or not evidence has been adduced in accordance with section 243, the first party shall have the right to call a person as a witness or recall and re-examine a person already examined, for the purpose of rebuttal, and such witness may be cross-examined by the other party, after which the first party may re-examine him;
- (f) at the close of the other party's case, he may sum up his case;
- (g) the first party shall have the final right of reply on the whole case;
- (h) before proceeding with the main trial, the court must make a ruling on the admissibility of the evidence;
- (i) an accused may apply to the court to issue process for compelling the attendance of any witness and to produce any exhibit in court, whether or not the witness has previously been examined in the case, for the purpose of examination or cross-examination;
- (j) the court must issue process unless it considers that the application made under paragraph (i) should be refused because it is vexatious or made to delay or frustrate justice and in such a case the court must record the reasons for the order;
- (k) before summoning any witness pursuant to an application under paragraph (i), the court may require that his reasonable expenses incurred in attending the trial be deposited in court by the defence.
- (4) Any evidence given in any ancillary hearing shall form part of the evidence of the main trial, other than evidence which the court has held to be inadmissible.
- (5) The court, may in the interest of justice, allow any witness who has testified at the ancillary hearing to be recalled during the trial for examination or cross-examination by the prosecution or the defence, as the case may be.
- (6) If the court, after hearing evidence in the main trial, is doubtful about the correctness of its earlier decision whether or not to admitting the evidence at the ancillary hearing, it may call on the prosecution and the defence to make further submissions.

(7) If the court, after hearing any submissions, decides to reverse its earlier decision in admitting the evidence, it shall attach no weight to that evidence when determining the guilt or otherwise of the accused.

5 (8) If the court, after hearing any submissions, decides to reverse its earlier decision in not admitting the evidence, such evidence may be admitted in court for the purpose of determining the guilt or otherwise of the accused.

*Division 4 — Special provisions relating to  
recording of evidence*

10 **Power of Magistrate to record statements**

**240.**—(1) A Magistrate may record a statement made to him at any time before a trial begins.

15 (2) The statement must be recorded in full; and a question asked by the Magistrate and the answer given to it must be clearly shown as being a question and answer.

(3) The Magistrate must not record the statement if, on questioning the person making it, he does not believe it was made voluntarily.

(4) The Magistrate must make a note at the foot of this record as follows:

20 “I believe that this statement was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it. The maker of the statement has admitted that it is correct and contains a full and true account of what he/she said.”

(Signed) A.B.

25 Magistrate”.

(5) If the person making the statement does not understand English, the proceedings must be interpreted to him in his own language or in a language he understands, and the note referred to in subsection (4) must be signed by the Magistrate and by the interpreter.

30 (6) Taking and recording a statement disqualifies the Magistrate who has taken and recorded it from trying the case.

(7) If an accused’s confession recorded under this section is presented to a court as evidence, but the court finds that the Magistrate recording the

statement did not fully comply with this section, it must take evidence as to whether the accused duly made the statement recorded and, if it is satisfied of that, it must admit the statement in evidence if the error has not prejudiced the accused's defence on the merits.

5 **Evidence through video or television links**

10 **241.**—(1) Notwithstanding any provision of this Code or of any other written law, but subject to the provisions of this section, the court may allow the evidence of a person in Singapore (except the accused) to be given through a live video or live television link in any trial, inquiry, appeal or other proceedings if —

- (a) the witness is below the age of 16 years;
- (b) the offence charged is an offence specified in subsection (2);
- (c) the court is satisfied that it is in the interests of justice to do so; or
- 15 (d) the Minister certifies that it is in the public interest to do so.

(2) The offences for the purposes of subsection (1)(b) are —

- (a) an offence that involves an assault on, or injury or a threat of injury to persons, including an offence under sections 319 to 338 of the Penal Code (Cap. 224);
- 20 (b) an offence under Part II of the Children and Young Persons Act (Cap. 38) (relating to protection of children and young persons);
- (c) an offence under sections 354 to 358 and sections 375 to 377B of the Penal Code;
- (d) an offence under Part XI of the Women's Charter (Cap. 353) (relating to offences against women and girls); and
- 25 (e) any other offences that the Minister may, after consulting the Chief Justice, prescribe.

30 (3) The court may order an accused to appear before it through a live video or live television link while in remand in Singapore in proceedings for any of the following matters:

- (a) an application for bail or release on personal bond;
- (b) an extension of the remand of an accused person under section 196; and

(c) any other matters that the Minister may, after consulting the Chief Justice, prescribe.

(4) In exercising its powers under subsection (1) or (3), the court may make an order on any or all of the following matters:

- 5 (a) the persons who may be present at the place with the witness;
- (b) that a person be kept away from the place while the witness is giving evidence;
- 10 (c) the persons in the courtroom who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- (d) the persons in the courtroom who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;
- 15 (e) the persons in the courtroom who must be able to see and hear the witness and the persons with the witness;
- (f) the stages in the proceedings during which a specified part of the order is to apply;
- 20 (g) the method of operation of the live video or television link system including compliance with such minimum technical standards as may be determined by the Rules Committee; and
- (h) any other order that the court considers necessary in the interests of justice.

(5) The court may revoke, suspend or vary an order made under this section if —

- 25 (a) the live video or television link system stops working and it would cause unreasonable delay to wait until a working system becomes available;
- (b) the court must do so under its duty to ensure fairness in the proceedings;
- 30 (c) the court must do so so that the witness can identify a person or a thing or so that the witness can participate in or view a demonstration or an experiment;
- (d) the court must do so because part of the proceedings is being heard outside a courtroom; or

(e) there has been a material change in the circumstances after the court has made the order.

(6) The court must not make an order under this section, or include a particular provision in such an order, if to do so would be inconsistent with its duty to ensure that the proceedings are conducted fairly to all parties.

(7) An order made under this section does not cease to apply merely because the person in respect of whom it was made reaches the age of 16 years before the proceedings in which it was made are finally concluded.

(8) When a witness gives evidence in proceedings through a live video or television link, the evidence is to be regarded for the purposes of sections 193, 194, 195, 196, 205 and 209 of the Penal Code (Cap. 224) as having been given in those proceedings.

(9) If a witness gives evidence in accordance with this section, for the purposes of this Code and the Evidence Act (Cap. 97), he is regarded as giving evidence in the presence of the court and the accused person or his advocate, as the case may be.

(10) In subsections (4), (8) and (9), a reference to “witness” includes a reference to an accused who appears before a court through a live video or television link under subsection (3).

(11) The Chief Justice may make such rules as appear to him to be necessary or expedient to give effect to this section and for prescribing anything that may be prescribed under this section.

25

### *Division 5 — Witnesses*

#### **Attendance of prisoner as witness**

**242.**—(1) Where the presence of any person detained in a prison in Singapore is required in any court, that court may issue a warrant addressed to the officer in charge of the prison requiring him to produce that person before the court in proper custody at the time and place named in the warrant and from time to time if the hearing is adjourned.

(2) The officer in charge of the prison must have the person named in the warrant brought to court as directed and must arrange for his safe custody during his absence from prison.

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(3) A warrant must bear the seal of the court and be signed by the Registrar of the Supreme Court, Registrar of the Subordinate Courts, District Judge or Magistrate, as the case may be.

### **Power of court to summon and examine persons**

5     **243.**—(1) A court may, at the close of the case for the defence, or at the end of any proceeding under this Code, summon a person as a witness or examine a person in attendance as a witness, whether or not summoned, or recall and re-examine a person already examined.

10    (2) The court must summon and examine or recall and re-examine such a person if it thinks his evidence essential to making a just decision in the case.

(3) The exercise by a court of its power under subsection (1) is not a ground for appeal, or for revision, unless the appellant, or the applicant, as the case may be, shows that the examination has led to a failure of justice.

### 15    **When person bound to give evidence intends to leave Singapore**

20    **244.**—(1) If a court is satisfied that any witness subject to a bond or is otherwise bound or about to be bound to give evidence in a trial intends to leave Singapore and that the ends of justice would probably be defeated if that person were not present at the trial to give evidence, it may, upon the application of the Public Prosecutor or accused, commit that person to prison until the trial or until he gives satisfactory security that he will give evidence at the trial, or complies with other conditions that may be imposed by the court.

25    (2) Before making the order, the court must be satisfied that the party making the application has made adequate provision for the person's maintenance and compensating him for his detention and loss of time.

### **Recording of evidence**

30    **245.** Except as otherwise expressly provided, in proceedings under this Code, the evidence of the witnesses must be recorded in the manner set down by this Part.

### **Manner of recording evidence**

**246.**—(1) The evidence given in any proceeding under this Code must be recorded by the court in writing or in any other suitable form of recording that can reduce the evidence to a readable format.

5 (2) Evidence recorded in writing or, if it is not recorded in writing, the transcript of the evidence recorded, must be in English and signed by the judge hearing the case; and shall form part of the record.

(3) Evidence recorded under this section may be taken down in the form of question and answer or in the form of a narrative, as the court thinks fit.

### **10 Interpretation of evidence to accused**

**247.**—(1) Where evidence is given in a language not understood by the accused and he is present in person, it must be interpreted to him immediately in a language which the court is satisfied he understands.

15 (2) Where documents are put in for the purpose of formal proof, the court may choose to interpret to the accused as much of them as appears necessary.

### **Remarks as to demeanour of witness**

20 **248.** During or after the recording of the evidence in the course of any proceeding under this Code, the court recording the evidence of the witness may record any remarks that he thinks material about the demeanour of the witness while under examination.

### **How previous conviction or acquittal may be proved**

25 **249.**—(1) In any proceeding under this Code, a previous conviction or acquittal or any order of court relevant to the case may be proved, in addition to any other way provided by law —

(a) by an extract certified to be a copy of the sentence or order by the officer who has custody of the court records in which that conviction, acquittal or order was carried out, whether in Singapore or elsewhere; or

30 (b) alternatively —

(i) in the case of a previous conviction in Singapore, either by a certificate signed by the officer who has custody of the prison records in Singapore in which the punishment or any

part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered; or

(ii) in the case of a previous conviction elsewhere, either by a certificate signed by the officer in charge of the prisons in that place in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered,

together with evidence as to the identity of the accused and the person so convicted or acquitted or against whom the order was made.

(2) The certificate referred to in subsection (1)(b)(i) purporting to be signed by the officer who has custody of the prisons records in Singapore shall be admitted in evidence on its production by the prosecution without proof of signature and, until the contrary is proved, shall be proof of all matters contained therein.

### **Accused not to give evidence except on oath or affirmation**

**250.**—(1) In all criminal proceedings, the accused may not give evidence except on oath or affirmation, and if he does so, he is liable to cross-examination.

(2) An accused who is not represented by an advocate has the right to address the court without being sworn or affirmed in circumstances where, if he were so represented, the advocate could address the court on his behalf.

(3) If an accused —

(a) after being called by the court to give evidence or after he or the advocate representing him has informed the court that he will give evidence, refuses to be sworn or affirmed; or

(b) having been sworn or affirmed, without good cause refuses to answer any question,

the court, in deciding whether the accused is guilty of the offence, may draw such inferences from the refusal as appear proper.

(4) This section does not compel the accused to give evidence on his own behalf, and he will not be guilty of contempt of court if he refuses to be sworn or affirmed in the circumstances of subsection (3)(a).

(5) For the purposes of this section, a person who, having been sworn or affirmed, refuses to answer a question shall be taken to do so without good cause unless:

5 (a) he is entitled to refuse to answer by section 122(4) of the Evidence Act or of another written law or on the ground of privilege; or

(b) the court excuses him from answering it.

10 (6) Subsection (3) does not apply to an accused if it appears to the court that his physical or mental condition makes it undesirable for him to be called on to give evidence.

### **Procedure when accused does not understand proceedings**

**251.**—(1) If an accused, though not of unsound mind, cannot understand or be made to understand the proceedings, the court may proceed with the trial.

15 (2) For all courts other than the High Court, if the trial results in a conviction, then the court must forward the proceedings to the High Court with a report of the circumstances of the case and the High Court must make such order or pass such sentence as it thinks fit.

### **Record of evidence in absence of accused**

20 **252.**—(1) If it is proved that an accused has absented himself so that there is no immediate prospect of arresting him, the court competent to try the accused may, in his absence, examine any witnesses produced on the prosecution's behalf and record their depositions.

25 (2) These depositions may, on the arrest of the accused, be given in evidence against him on the trial for the relevant offence, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without unreasonable delay, expense or inconvenience.

30 (3) If it appears that an offence punishable with death or with imprisonment for life has been committed by some person or persons unknown a Magistrate's Court may hold an inquiry and examine any witnesses who can give evidence concerning the offence.

(4) Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or is beyond the limits of Singapore.

### **Procedure when prospective witness is ill**

253.—(1) Where it appears to a Magistrate that a person able to give material evidence for the prosecution or defence concerning any offence is so dangerously ill that it is not practicable to take his evidence according to the usual course of law, any Magistrate may take the deposition of that person provided that reasonable notice has been given to the prosecutor and the accused of his intention to take it and of when and where he intends to take it.

(2) If the accused is in custody, a Judge or a Magistrate may order the officer in charge of the prison to, and the officer must, take him to the place and at the time notified.

(3) Where it is proved at the trial of the accused that the deponent is dead, or that he cannot attend for any sufficient reason, the deposition may be read even though the accused was absent when it was taken if the court trying the case is satisfied that —

- (a) the deponent was at the time of his examination so dangerously ill as mentioned in subsection (1);
- (b) the deposition was duly taken at the place and time notified; and
- (c) reasonable notice of the intention to take it was given to the person against whom it is tendered in evidence so that he or his advocate might have been present and might have had, if he had chosen to be present, full opportunity of cross-examination.

### **Taking of evidence before trial**

254.—(1) Subject to subsection (2), where an application is made by the Public Prosecutor or the accused to a court for the evidence of a witness to be taken at any time before the date on which a criminal matter is fixed for trial, the court shall take the evidence of the witness appearing before him.

(2) An application under subsection (1) can only be made if it is shown with respect to the witness that it is not reasonably practicable to secure his attendance at the time fixed for the trial.

(3) The proceeding under this section must be conducted in the presence of the accused and co-accused, if any.

(4) The witness called by a party to give evidence in the proceeding under this section may be cross-examined by any other party to the

proceeding, after which the witness may be re-examined by the party calling him to give evidence.

(5) Any statement of a witness taken in proceedings under this section may be given in evidence in any trial under this Code (whether or not by the same judge hearing the proceedings) although the person is not called as a witness.

## PART XIII

### JUDGMENT

#### **Mode of delivering judgment**

10 **255.**—(1) The court must deliver judgment in every criminal trial or appeal in open court immediately after the trial or appeal or at a later time of which due notice must be given to the parties or their advocates.

(2) A judgment may be delivered —

15 (a) by summarising orally the issues of fact and law and the reasons for the court's decision and pronouncing it;

(b) by reading out the whole of the written grounds of the decision and pronouncing it; or

20 (c) by pronouncing the court's decision and giving a copy of the written grounds of the decision to the parties or their advocates either on the date of the court's decision or at a later date.

(3) Where the appellate court comprises more than one judge, it shall ordinarily give only one judgment, which may be delivered by the presiding judge or by such other member of the appellate court as the presiding judge may direct.

25 (4) Separate judgments shall be delivered if the presiding judge so directs.

(5) The judgment of any judge who is absent may be delivered by any other judge.

(6) If the accused is in custody, he must be produced before the court.

30 (7) If the accused is not in custody, he must attend to hear judgment delivered except when his personal attendance during the trial has been dispensed with and the sentence is one of fine only.

(8) Where the court reserves judgment in a trial, it may grant bail to the accused, with or without sureties, and on such terms and conditions as it thinks fit.

### **Procedure after judgment of appellate court**

5     **256.**—(1) After hearing the appeal and delivering its judgment, the appellate court must certify its judgment, sentence or order to the trial court which recorded or passed the judgment, sentence or order appealed against.

10    (2) Where an appeal is not dismissed, the certificate must state the grounds on which the appellate court allowed the appeal or varied the trial court's decision.

(3) The trial court must then make orders that conform to the appellate court's judgment, sentence or order, and, if necessary, amend the record accordingly.

15    (4) If the appellate court imposes a sentence of imprisonment on a person who was not so sentenced by the trial court, it must by warrant commit that person to prison in addition to anything else it is required to do by this section and must certify accordingly to the trial court.

### **Judgment in alternative**

20    **257.** When a person is found guilty of one of several offences under written law, but it is doubtful which of those offences he is guilty of, the court must record a conviction in the alternative, distinctly specifying those offences, and the offender must be punished for the offence carrying the lowest punishment if the same punishment is not provided for all.

### **Judgment not to be altered**

25    **258.**—(1) Where a court has delivered its judgment, it may rectify a clerical error at any time, and any other error, including an error in the exercise of its sentencing powers, may be rectified by the court within 24 hours of the delivery of the judgment.

30

### *Illustrations*

- (a) A Magistrate's Court sentences an accused to 4 years' imprisonment for an offence of theft under section 380 of the Penal Code. Insofar as a Magistrate's Court may only impose an imprisonment term not exceeding 3

years, the court had made an error. Such an error may be rectified by the court within 24 hours of the delivery of the judgment.

- 5 (b) A committed an offence under the Penal Code after the coming into force of the Penal Code (Amendment) Act. The Magistrate's Court, however, imposed a sentence on A based on the penalty provision in the Penal Code that was in force prior to the coming into force of the Penal Code (Amendment) Act when it should have sentenced A based on the penalty provision as amended by the Penal Code (Amendment) Act. Such an error may be rectified by the court within 24 hours of the delivery of the judgment.
- 10 (c) A District Court imposes caning on a man who committed the offence when he was 54 years of age. Insofar as section 296 of the Penal Code prohibits the court from imposing caning on the man, the court had made an error. Such an error may be rectified by the court within 24 hours of the delivery of the judgment.
- 15 (d) A District Court sentences an accused to one year imprisonment for an offence of extortion by putting a person in fear of death or grievous hurt under section 386 of the Penal Code. Insofar as section 386 of that Code imposes a mandatory minimum imprisonment term of 2 years, the court had made an error. Such an error may be rectified by the court within 24 hours
- 20 of the delivery of the judgment.

(2) For the avoidance of doubt, any error resulting from a sentence imposed by a court which it subsequently views as being too harsh or too lenient is not such error within the meaning in subsection (1).

### **Judgment to be filed with record**

- 25 **259.** The original judgment must be entered on and, if written, filed with the record of proceedings.

## **PART XIV**

### **SENTENCES**

#### *Division 1 — Sentences in general*

30 **Sentences**

**260.**—(1) The High Court may pass any sentence authorised by law, except that it shall not pass a sentence of caning exceeding 24 strokes in the case of an adult and 10 strokes in the case of juveniles for any one offence.

(2) Subject to this Code and any other written law, a District Court may pass any of the following sentences:

- (a) imprisonment not exceeding 10 years;
- (b) fine not exceeding \$30,000;
- 5 (c) caning not exceeding 12 strokes;
- (d) any other lawful sentence, including a combination of the sentences it is authorised by law to pass.

(3) Subject to this Code and any other written law, a Magistrate's Court may pass any of the following sentences:

- 10 (a) imprisonment not exceeding 3 years;
- (b) fine not exceeding \$10,000;
- (c) caning not exceeding 6 strokes;
- (d) any other lawful sentence, including a combination of the sentences it is authorised by law to pass.

### 15 **Corrective training and preventive detention**

**261.**—(1) Where a person of the age of 18 years or above —

- 20 (a) is convicted before the High Court or a District Court of an offence punishable with imprisonment for 2 years or more, and has been convicted in Singapore or elsewhere at least twice since he reached the age of 16 years of offences punishable with such a sentence; or
- 25 (b) is convicted at one trial before the High Court or a District Court of 3 or more distinct offences punishable with imprisonment for 2 years or more, and has been convicted and sentenced in Singapore or elsewhere to imprisonment for at least one month since he reached the age of 16 years of an offence punishable with imprisonment for 2 years or more;

30 then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court, unless it has special reasons for not so doing, shall sentence him for corrective training for a period of 5 to 14 years in lieu of any sentence of imprisonment.

(2) Where a person of the age of 30 years or above —

5 (a) is convicted before the High Court or a District Court of an offence punishable with imprisonment for 2 years or more, and has been convicted in Singapore or elsewhere at least 3 times since he reached the age of 16 years of offences punishable with such a sentence, and was on at least two of those occasions sentenced to imprisonment or corrective training; or

10 (b) is convicted at one trial before the High Court or a District Court of 3 or more distinct offences punishable with imprisonment for 2 years or more, and has been convicted and sentenced in Singapore or elsewhere to imprisonment for at least one month since he reached the age of 16 years for an offence punishable with imprisonment for 2 years or more,

15 then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in custody for a substantial period of time, followed by a period of supervision if released before the expiration of his sentence, the court may sentence him to preventive detention for a period of 7 to 20 years in lieu of any sentence of imprisonment.

20 (3) Before sentencing any offender to corrective training or preventive detention, the court must call for and consider any report submitted by the Director of Prisons, or any person authorised by the Director of Prisons to submit the report on his behalf, on the offender's physical and mental condition and his suitability for such a sentence; and if the court has not received such a report, it must remand the offender in custody for a period  
25 not exceeding one month to enable the report to be made.

(4) The court must give a copy of the report of the Director of Prisons to the offender or his advocate and to the Public Prosecutor.

30 (5) Where an offender is sentenced under subsection (1) or (2) is also convicted at the same trial of any offence other than an offence punishable for 2 years or more, the court may, on the application of the Public Prosecutor, instead of imposing any term of imprisonment as may be prescribed for that offence, take into account such offence for the purposes of determining the period of corrective training or preventive detention, as the case may be.

35 (6) A person sentenced to corrective training or preventive detention must be detained in a prison for the term of his sentence in accordance with the regulations made under section 362.

### **Reformatory training**

**262.**—(1) Where a person is convicted by a court of an offence punishable with imprisonment and that person is, on the day of his conviction —

- 5           (a) of or above the age of 16 years but below the age of 21 years; or
- (b) of or above the age of 14 years but below the age of 16 years and has, before that conviction, been dealt with by a court in connection with another offence and had, for that offence, been ordered to be sent to an approved school established under
- 10           section 64 of the Children and Young Persons Act (Cap. 38),

the court may impose a sentence of reformatory training instead of any other sentence if it is satisfied, having regard to his character, previous conduct and the circumstances of the offence, that to reform him and to prevent crime he should undergo a period of training in a reformatory

15           training centre.

(2) Where a young person has been ordered by a Juvenile Court under the Children and Young Persons Act to be brought before a District Court, then the court must inquire into the circumstances of the case and may —

- 20           (a) if satisfied that to reform him he should undergo a period of training in a reformatory training centre, sentence him to reformatory training instead of any other sentence; or
- (b) in any case, deal with him in the manner that the Juvenile Court might have dealt with him.

(3) Before imposing any sentence of reformatory training, the court must

25           call for and consider any report submitted by the Director of Prisons on the offender's physical and mental condition and his suitability for the sentence; and if the court has not received such a report, it must remand the offender in custody for a period or periods, not exceeding one month in the case of any single period, to enable the report to be submitted.

30           (4) The court must give a copy of any report submitted by the Director of Prisons to the offender or his advocate and to the Public Prosecutor.

(5) A person sentenced to reformatory training must be detained in accordance with regulations made under section 362.

### **Sentence in case of conviction for several offences at one trial**

**263.**—(1) Where a person is convicted at one trial of any 2 or more distinct offences, the court must sentence him for those offences to the punishments that it is competent to impose.

5 (2) Subject to subsection (4), where these punishments consist of imprisonment, they are to run consecutively in the order that the court directs, or they may run concurrently if the court so directs.

(3) The court need not send the offender for trial before a higher court merely because the combined punishment for the various offences  
10 exceeds the punishment which the court is competent to inflict for a single offence.

(4) Subject to any written law, a District Court or Magistrate's Court may not impose a total term of imprisonment that exceeds twice that which such court is competent to impose under section 260.

### **15 Consecutive sentences in certain cases**

**264.**—(1) Subject to subsection (2), if at one trial a person is convicted and sentenced to imprisonment for at least 3 distinct offences, the court before which he is convicted must order the sentences for at least 2 of those offences to run consecutively.

20 (2) Where a sentence of life imprisonment is imposed by the High Court at a trial mentioned in subsection (1), the other sentences of imprisonment must run concurrently with the sentence of life imprisonment, except that where the Court of Appeal sets aside or reduces the sentence of life imprisonment then the Court of Appeal may order any of the other  
25 sentences of imprisonment to run consecutively.

### **Police supervision**

**265.**—(1) If a person who has been convicted in Singapore or elsewhere of an offence punishable with imprisonment for 2 years or more is convicted of another offence also punishable with imprisonment for  
30 2 years or more, a court may, in addition to sentencing him to any other punishment, order that he be placed under police supervision for a period starting immediately after the last sentence passed on him ends.

(2) The period of supervision imposed by the High Court, the District Court and the Magistrate's Court under subsection (1) must not exceed  
35 7 years, 5 years and 3 years respectively.

### **Limit of punishment of offence which is made up of several offences**

266.—(1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the person who committed the offence shall not be punished with the punishment of more than one of such offences unless it is expressly provided.

(2) Where —

- (a) anything is an offence falling within 2 or more separate definitions of any law in force for the time being by which offences are defined or punished; or
- (b) several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence,

the person who committed the offence shall not be punished with a more severe punishment than the court which tries him could award for any one of such offences.

#### *Illustrations*

(a) A gives Z 50 strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for 50 years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

(3) Nothing in sections 137, 138 and 139 shall affect the operation of this section.

### **Requirements from person subject to supervision**

267.—(1) Every person ordered to be placed under police supervision and who is at large in Singapore must —

- (a) personally present himself and notify the place of his residence to the officer in charge of the police division in which his residence is situated;

- (b) where he changes his residence, personally present himself and notify the change of residence to the officer in charge of the police division in which his new residence is situated;
- 5 (c) where he changes his residence to a place outside Singapore, personally present himself and notify the change of residence and the place to which he is going to reside to the officer in charge of the police division in which his last residence in Singapore is situated;
- 10 (d) if, having changed his residence to a place outside Singapore, he later returns to Singapore, personally present himself and notify his return and his place of residence in Singapore to the officer in charge of the police division in which his residence in Singapore is situated; and
- 15 (e) if he intends to be absent from his last notified residence for more than 48 hours without changing his place of residence, personally present himself and notify his intention, where he intends to go and how long he will be away to the officer in charge of the police division in which his residence is situated.

20 (2) A person under police supervision must, at least once every 30 days, report personally at the time and place and to the police officer appointed by the Commissioner of Police, and such officer may on each occasion take or cause to be taken the fingerprints of the person reporting to him.

### **Penalty for non-compliance with section 267**

25 **268.**—(1) If any person subject to the supervision of the police who is at large in Singapore —

- (a) remains in any place for 48 hours without personally presenting himself and notifying the place of his residence to the officer in charge of the police division in which such place is situated;
- 30 (b) fails to comply with the requirements of section 267 on the occasion of any change of residence;
- (c) is absent from his notified place of residence for more than 48 hours without having complied with the requirements of section 267(1)(e); or
- (d) fails to comply with the requirements of section 267(2),

he shall in every such case, unless he proves to the satisfaction of the court before which he is tried that he did his best to act in conformity with the law, be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year.

5 (2) Where a court convicts a person for an offence under this section, the court may, in addition to sentencing him to any other punishment, order that he remain under police supervision for a further period of not more than one year, commencing immediately after the end of the sentence passed on him by that court, or immediately after the end of the  
10 period of police supervision in respect of which the offence was committed, whichever is the later.

(3) Where a person under police supervision is, while still subject to such supervision, sentenced to a term of imprisonment for any offence, then the period of supervision may exclude any term spent in prison.

#### 15 **Application of law to orders for police supervision made in Malaysia**

**269.** Sections 267 and 268 apply to every person who, by reason of an order made under the law for the time being in force in Malaysia or any State thereof, would be subject to the supervision of the police if he were at large in Malaysia or that State, and who is at large in Singapore.

#### 20 **Provisions as to execution of sentences of death**

**270.** The following provisions apply to death sentences:

- 25 (a) after sentence has been pronounced, a warrant under the seal of the court must be made out for the person sentenced to be committed to the custody of the Director of Prisons in accordance with such prescribed form;
- (b) the warrant shall be full authority to the Director of Prisons, or any officer appointed by him for that purpose, for receiving into his custody and detaining the person sentenced until he receives the court's further warrant or order;
- 30 (c) in cases in which notice of appeal or notice of an application for leave to appeal is not given within the prescribed period, the trial Judge who tried the accused must, within a reasonable time after that period has elapsed, send to the Minister a copy of the notes of evidence taken at the trial, with a report in writing signed by  
35 him stating whether, in his opinion, there are any reasons (and, if

so, what reasons) why the death sentence should or should not be carried out;

- 5 (d) in cases where notice of appeal is given, the trial Judge must forward to the Court of Appeal the notes of evidence and report referred to in paragraph (c), as soon as may be convenient after being notified by the Registrar of the Supreme Court that the notice has been given;
- 10 (e) if the Court of Appeal dismisses the appeal or the application for leave to appeal, as the case may be, then the Chief Justice or other presiding Judge must, within a reasonable time, forward to the Minister the notes of evidence and report, stating whether it agrees with the trial Judge, together with a notification of the decision of the Court of Appeal and also any report on the case that the Court of Appeal may think fit to make, signed by the Chief Justice or other presiding Judge;
- 15 (f) the President must, acting in accordance with the Constitution —
- (i) transmit to the High Court a copy signed and sealed by him of any order he makes;
  - (ii) if the sentence is to be carried out, state the time and place of execution of the sentence in the order; and
  - 20 (iii) if the person sentenced is pardoned or the sentence is commuted to another punishment, state this in the order;
- 25 (g) on receiving the copy of the President's order the High Court must if the sentence is to be carried out, cause a warrant to be issued under the seal of the Court and the signature of the trial Judge, or in his absence any other High Court Judge, setting out the time and place of execution as prescribed in the order of the President;
- 30 (h) the President may, at any time before the warrant is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution;
- (i) the warrant must be directed to the Director of Prisons who must carry out the sentence in accordance with law;
- 35 (j) there must be present at the execution of the sentence the superintendent of the prison, a medical officer of the prison, and any other prison officers that the Director of Prisons requires;

- (k) there may also be present a minister of religion in attendance at the prison and any other persons that the Director of Prisons thinks proper to admit;
- 5 (l) immediately after the death sentence has been carried out, the medical officer of the prison present must examine the body of the person executed, ascertain the fact of death and sign a death certificate and deliver it to the Director of Prisons;
- 10 (m) within 24 hours after the execution, a Coroner must inquire into and satisfy himself of the identity of the body and whether the sentence of death was duly carried out;
- (n) a copy of the Coroner's findings must be forwarded to and filed in the Registry of the Supreme Court and another must be forwarded to and filed in the office of the Minister;
- 15 (o) where a sentence of death is avoided by the escape of the person sentenced to death, the sentence must be carried out at such other time after his recapture that the High Court then orders;
- 20 (p) no omission or error as to time and place and no defect in form in any order or warrant given under this section, and no omission to comply with paragraphs (j) to (n) may be held to make illegal any execution carried out or intended to have been carried out under the order or warrant or make illegal any execution that would otherwise have been legal.

### **No sentence of death against person under 18 years**

25 **271.** A sentence of death must not be passed or recorded against an accused convicted of an offence if the court has reason to believe that, at the time the offence was committed, he was under the age of 18 years, but instead the court must sentence him to life imprisonment.

### **Sentence of death not to be passed on pregnant woman**

30 **272.**—(1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom a woman is so convicted thinks fit, the question whether or not the woman is pregnant must, before sentence is passed on her, be determined by the court.

35 (2) If the court finds the woman pregnant, it must pass a sentence of imprisonment for life on her.

(3) If the court finds the woman not to be pregnant, she may appeal to the Court of Appeal against that finding in the manner set out under this Code.

5 (4) On hearing the appeal referred to in subsection (3), the Court of Appeal, if satisfied for any reason that the finding should be set aside, must set aside the sentence, and pass a sentence of imprisonment for life.

### **Judgment of death**

10 **273.** Where any person is sentenced to death, the sentence must direct that he must be hanged by the neck till he is dead but shall not state the place where nor the time when the sentence is to be carried out.

### **Sentences other than of death**

15 **274.**—(1) Where an accused is sentenced to imprisonment or to caning, the court must immediately forward a warrant stating the name of the accused and sentence to the Director of Prisons or an officer appointed by him for that purpose who must receive into his custody the person named in the warrant.

(2) The warrant shall be full authority to the Director of Prisons or the officer appointed by him for receiving and detaining the accused and carrying out the sentence.

### **Date that sentence begins**

20 **275.** Subject to this Code and any other written law, a sentence of imprisonment shall take effect from the date it was passed, unless the court passing the sentence or, when there has been an appeal, the appellate court, otherwise directs.

### **Provisions as to sentence of fine**

25 **276.**—(1) Where any fine is imposed and there is no express provision in the law relating to the fine, the following provisions apply:

30 (a) if the maximum sum is not stated in the law, the fine to which the offender is liable shall be unlimited but must not be excessive.

(b) the court may choose to do all or any of the following things at any time before the fine is paid in full:

(i) allow and extend time for its payment;

- (ii) direct that the fine be paid by instalments;
- (iii) order the attachment of any property, movable or immovable, belonging to the offender —

(A) by seizure;

5 (B) by appointing a receiver; or

(C) by directing any person who owes money to the offender to pay the court the amount of that debt due or accruing or the amount that is sufficient to pay off the fine;

10 (iv) direct that if the fine is not paid the offender must suffer imprisonment for a certain term which must be consecutive with any other imprisonment to which he may be sentenced, including any other imprisonment term or terms imposed on the offender under this section in default of payment of fine,  
15 or to which he may be liable under a commutation of a sentence;

(v) direct that the person be searched, and that any money found on him when so searched or which, in the event of his being committed to prison, may be found on him when taken to prison, shall be applied towards the payment of such fine, the surplus, if any, being returned to him, provided that the money shall not be so applied if the court is satisfied that the money does not belong to the person on whom it was found;

20 (c) before allowing time for payment or directing payment by instalments under paragraph (b)(i) or (ii), the court may require the offender to execute a bond with or without sureties on condition that he pay the fine or the instalments, as the case may be, on the day or days directed; and if the fine or any instalment is not paid as ordered, then the whole of the fine remaining  
30 unpaid becomes due and payable and the court may issue a warrant for the offender's arrest;

(d) the term for which the court directs the offender to be imprisoned in default of payment of a fine shall be as follows:

35 (i) if the offence is punishable with imprisonment for any term of 24 months or more, it must not exceed one half of the maximum term of imprisonment fixed for the offence;

- (ii) if the offence is punishable with imprisonment for any term of less than 24 months, it must not exceed one third of the maximum term of imprisonment fixed for the offence;
- (iii) if the offence is not punishable with imprisonment, it must be 6 months or less;
- (e) the imprisonment that is imposed in default of payment of a fine may run consecutively with the other sentences of imprisonment provided that the total punishment of imprisonment passed on an offender at one trial does not exceed the limits prescribed by section 263;
- (f) the imprisonment imposed in default of paying a fine shall end when that fine is paid or levied by process of law;
- (g) if, before the end of the period of imprisonment fixed in default of payment, such a proportion of the fine is paid or levied that the term of imprisonment already suffered in default of payment is at least equivalent to the part of the fine still unpaid, then the imprisonment must end;
- (h) the fine or any part of it that remains unpaid may be levied at any time within 6 years after the passing of the sentence or, if under the sentence the offender is liable to imprisonment for a longer period than 6 years, then at any time before that period expires; and the offender's death does not discharge from the liability any property that would after his death be legally liable for his debts.
- (2) If the person fails to pay the court the amount which he is directed to pay under subsection (1)(b)(iii)(C), it shall be recoverable as though it were a judgment debt due to the court.

### **Suspension of execution in certain cases**

- 277.**—(1) Where an offender has been sentenced to fine only and to imprisonment in default of payment of the fine and the court issues an order of attachment under section 276(1)(b)(iii), it may suspend the sentence of imprisonment and may release the offender on his executing a bond with or without sureties, as the court thinks fit, on condition that he appear before that court on the day appointed for the return of the order of attachment.
- (2) The day appointed under subsection (1) must not be more than 15 days from the time of executing the bond.

(3) If the fine has not been paid, the court may direct the sentence of imprisonment to be carried out at once.

### **Who may issue warrant**

5 **278.** A warrant for the execution of any sentence, including an order of attachment of property, may be issued either by the Judge, District Judge or Magistrate who passed the sentence or by his successor or other Judge, District Judge or Magistrate acting in his place.

### *Division 2 — Sentence of caning*

#### **Execution of sentence of caning forbidden in certain cases**

10 **279.**—(1) The following persons shall not be punished with caning:

(a) women;

(b) men who are more than 50 years of age at the time of infliction of the caning ; and

15 (c) men sentenced to death whose sentences have not been commuted.

(2) Subject to any other written law, if a person is convicted of one or more offences punishable with caning (referred to in this section as the relevant offences) but the court does not sentence the person to caning because subsection (1)(a) or (b) applies, the court may impose a term of imprisonment of not more than 12 months in addition to any other punishment to which that person has been sentenced.

20

(3) A court may impose a term of imprisonment under subsection (2) notwithstanding that the aggregate of such term and the imprisonment term imposed for any of the relevant offences exceeds the maximum term of imprisonment prescribed for that offence.

25

(4) Notwithstanding any provision of this Code or any other law to the contrary, a District Court or a Magistrate's Court may impose a term of imprisonment under subsection (2) notwithstanding that the aggregate sentence of imprisonment (including the term of imprisonment imposed under subsection (2)) in relation to the relevant offences exceeds the sentencing jurisdiction of the court.

30

### **Place for executing sentence of caning**

280. Where an accused is sentenced to caning only or where the sentence of caning cannot reasonably be carried out before the release of the accused under any sentence of imprisonment, the court may, on the application of the Public Prosecutor, authorise the detention of the accused for as long as is reasonably necessary for carrying out the sentence of caning at the place and time that the court directs.

### **Time of executing sentence of caning**

281.—(1) Where an accused is sentenced to caning in addition to imprisonment, the caning must not be inflicted —

- (a) until after the expiration of the time within which notice of appeal may be given under this Code, or any extension of time which may be permitted under this Code; or
- (b) if notice is so given, until after the determination of the appeal.

(2) The caning must be inflicted as soon as practicable after the time prescribed in subsection (1) has expired.

### **Limit on number of strokes**

282.—(1) Notwithstanding any law to the contrary, where an accused is sentenced for two or more offences punishable by caning at the same sitting (referred to in this section as the relevant offences), the aggregate sentence of caning awarded by the court for the relevant offences shall not exceed the specified limit.

(2) Where an accused would but for subsection (1) have been sentenced to an aggregate sentence of caning which exceeds the specified limit, the court may impose a term of imprisonment of not more than 12 months in lieu of all such strokes which exceed the specified limit.

(3) A court may impose a term of imprisonment under subsection (2) notwithstanding that the aggregate of such term and the imprisonment term imposed for any of the relevant offences exceeds the maximum term of imprisonment prescribed for that offence.

(4) Notwithstanding any provision of this Code or any other law to the contrary, a District Court or a Magistrate's Court may impose a term of imprisonment under subsection (2) notwithstanding that the aggregate sentence of imprisonment (including the term of imprisonment imposed

under subsection (2)) in relation to the relevant offences exceeds the sentencing jurisdiction of the court.

(5) In this section, the specified limit is 24 strokes in the case of an adult and 10 strokes in the case of juveniles.

5 **Mode of executing sentence of caning**

**283.**—(1) The Minister may make rules to prescribe the mode of carrying out the sentence of caning.

(2) Caning shall be inflicted on such part of the person as the Minister from time to time generally directs.

10 (3) The rattan shall not be more than 1.27 centimetres in diameter.

(4) In the case of a juvenile, caning shall be inflicted with a light rattan.

**Caning not to be carried out by instalments**

**284.**—(1) No sentence of caning shall be executed in instalments.

15 (2) The maximum number of strokes of the cane that can be inflicted on the accused at any one time is 24.

**Medical officer's certificate required**

**285.**—(1) The punishment of caning may be inflicted only if a medical officer is present and certifies that the offender is in a fit state of health to undergo such punishment.

20 (2) If, during the execution of a sentence of caning, the medical officer certifies that the offender is not in a fit state of health to undergo the rest of the sentence, the caning must be stopped.

**Procedure if punishment cannot be inflicted under section 285**

25 **286.**—(1) Where a sentence of caning is wholly or partially prevented from being carried out under section 285, the offender must be kept in custody until the court that passed the sentence can revise it.

(2) That court may —

(a) remit the sentence; or

30 (b) sentence the offender instead of caning, or instead of as much of the sentence of caning as was not carried out, to imprisonment

for 12 months or less, which may be in addition to any other punishment to which he has been sentenced for the same offence.

(3) A court may impose a term of imprisonment under subsection (2)(b) notwithstanding that the aggregate of such term and the imprisonment  
5 term imposed for the same offence exceeds the maximum term of imprisonment prescribed for that offence.

(4) Notwithstanding any provision of this Code or any other law to the contrary, a District Court or a Magistrate's Court may impose a term of imprisonment under subsection (2)(b) notwithstanding that the aggregate  
10 sentence of imprisonment (including the term of imprisonment imposed under subsection (2)(b)) in relation to the same offence exceeds the sentencing jurisdiction of the court.

### **Commencement of sentence of imprisonment on prisoner already undergoing imprisonment**

15 **287.**—(1) Where a person who is an escaped convict or is undergoing a sentence of imprisonment is sentenced again to imprisonment, the latter sentence of imprisonment must begin either immediately or at the end of the imprisonment to which he was previously sentenced, as the court awarding the sentence directs.

20 (2) A death sentence must be carried out despite a pending sentence of imprisonment.

(3) Nothing in subsection (1) may be held to excuse a person from any part of the punishment to which he is liable upon his former or subsequent conviction.

### **Juvenile may be dealt under Children and Young Persons Act**

25 **288.** If a juvenile is convicted of an offence punishable by fine or imprisonment or both, and whether or not the law under which the conviction is had provides that fine or imprisonment or both shall be imposed, the court may, instead of sentencing him to fine or  
30 imprisonment, deal with the juvenile in the manner provided by the Children and Young Persons Act (Cap. 38).

### **Return of warrant or order**

**289.** Where a sentence has been fully carried out, the officer executing it must return the warrant or order to the court which issued it with an

endorsement signed by him, certifying the manner in which the sentence has been carried out.

*Division 3 — Suspensions, remissions and commutations of sentences*

5 **Power to pardon, suspend or remit sentence, etc.**

10 **290.**—(1) Where a person has been sentenced to punishment for an offence, the President, acting in accordance with the Constitution, may grant a pardon, reprieve or respite, on such conditions as the President thinks fit, of the execution of the sentence, or remit the whole or any part of the sentence or any penalty or forfeiture imposed by law.

(2) Where an application is made to the President for any of the reliefs mentioned in subsection (1), the President —

(a) in the case of a sentence of death, shall act in accordance with Article 22P(2) of the Constitution, or

15 (b) may in any other case, require the presiding judge of the court before or by which the conviction was had, to state his opinion as to whether the application should be granted or refused and the judge shall state his opinion accordingly.

20 (3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the President, not fulfilled, the President may cancel the suspension or remission, and upon such cancellation, the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by a police officer without warrant and remanded to undergo the unexpired portion of the sentence.

25 (4) Subsection (3) does not apply to a sentence of death.

PART XV

COMPENSATION AND COSTS

**Order for payment of costs of prosecution against accused and order for cost incurred by accused in his defence**

30 **291.**—(1) The court before which a person is convicted of an offence may, in its discretion, order that person to pay a sum to be fixed by the court by way of costs of his prosecution.

(2) If an accused is acquitted of any charge for any offence, and if proved to the satisfaction of the court that the prosecution was frivolous or vexatious, the court may order the prosecution or the complainant or the person on whose information the prosecution was instituted to pay full costs, charges and expenses incurred by the accused in and about his defence, to be taxed by the Registrar of the Supreme Court or the Registrar of the Subordinate Courts, as the case may be.

(3) The court may direct that either an order for payment of costs under subsection (1) or an order for payment of compensation under section 293(1) be paid in priority to the other, and if no direction is given, the order for payment of costs takes priority over the order for payment of compensation.

### **Costs**

**292.**—(1) The Court of Appeal or the High Court in the exercise of its powers under Part XVII may award costs to be paid by or to the parties as it thinks fit.

(2) Costs awarded against the Public Prosecutor shall be paid out of the Consolidated Fund and costs awarded to and received by the Public Prosecutor shall be paid into the Consolidated Fund.

(3) The Public Prosecutor shall not be personally liable for any costs awarded against him.

### **Order for payment of compensation**

**293.**—(1) The court before which a person is convicted of any offence may, in its discretion, before sentencing that person to the offence, order that person to pay a sum to be fixed by the court by way of compensation to the person injured, or his representative, in respect of his person, character or property by —

(a) the offences for which the sentence is passed; and

(b) any offence that has been taken into consideration for the purposes of sentencing only.

(2) If an accused is acquitted of any charge for any offence, and if it is proved to the satisfaction of the court that the prosecution was frivolous or vexatious, the court may order the prosecution or the complainant or the person on whose information the prosecution was instituted to pay as compensation to the accused a sum not exceeding \$10,000.

(3) Any order for compensation made under subsection (1) shall not affect any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the amount of compensation paid under the order, but any claim by a person or his representatives for civil damages in respect of the same injury arising from the offence, shall be deemed to have been satisfied to the extent of the amount paid to him under an order for compensation.

(4) The order for compensation made under subsection (2) shall not affect any right to a claim for civil damages for malicious prosecution or false imprisonment beyond the amount of compensation paid under the order, but any claim by the accused for civil damages in respect of the malicious prosecution or false imprisonment shall be deemed to have been satisfied to the extent of the amount paid to him under an order for compensation.

#### **Court may order payment by instalments**

**294.** Any person ordered to pay costs or compensation under this Part may apply to the court which made the order for time to make payment or to pay such costs or compensation by instalments, and the court may make such order on such terms and conditions as it thinks fit.

#### **Costs and compensation recoverable as judgment debt**

**295.** Any order for costs or compensation made under this Part shall be recoverable as a judgment debt.

#### **Reward for unusual exertions and compensation for family of person killed or injured in arresting**

**296.—**(1) Where the court, whether on its own motion or the Public Prosecutor's application, considers that a person has shown unusual courage, diligence or effort in the arrest of a person accused of having committed, attempted or abetted an offence punishable with death or imprisonment, then the court may order payment to him out of the Consolidated Fund of a sum of not more than \$500.

(2) If a person is killed in trying to arrest or to keep in lawful custody any accused referred to in subsection (1), the Minister may order payment from the Consolidated Fund to the wife, husband, parent or child of the dead person of such money as appears reasonable compensation for the death.

### **Court may order payment of expenses of witnesses**

297. A court holding any proceeding under this Code which is conducted by the Public Prosecutor or by any officer of a public body, may, at its discretion, order payment out of the Consolidated Fund to any  
 5 of the witnesses of the expenses they have incurred individually in attending that court, and compensation for their trouble and loss of time, subject to such rules as may be made by the Minister.

## **PART XVI**

### **DISPOSAL OF PROPERTY**

#### **10 Order for disposal of property by court**

298.—(1) Subject to any provisions on forfeiture, confiscation, destruction or delivery in any other written law under which property may be seized, a court may, during or at the conclusion of any criminal  
 15 proceeding under this Code, make an order as it thinks fit for the disposal of any property —

- (a) in respect of which an offence is or was alleged to have been committed or which has been used or intended to have been used for the commission of any offence; and
- 20 (b) which is produced before the court or in the court's custody or in the custody of a police officer or any other person who has seized the property pursuant to any law.

(2) If an order is made under this section in a case in which an appeal lies, the order must not, except where the property is perishable, be carried out until the period allowed for the appeal has lapsed or the appeal has  
 25 been dealt with.

(3) In this section, "property", includes, not only property that was originally in the possession or under the control of a party to the case, but also property into or for which it has been converted or exchanged and anything acquired by this conversion or exchange, whether immediately  
 30 or later.

#### **Direction instead of order**

299. Instead of itself making an order under section 298, a court may direct the property to be delivered to a Magistrate who must deal with it

under section 298 as if it were property produced in proceedings before a Magistrate's Court.

### **Payment to innocent person of money in possession of accused**

5 **300.**—(1) Where a person is convicted of an offence that includes or amounts to theft or receiving stolen property, and it is proved that another person had bought the stolen property from him without knowing or having reason to believe that it was stolen, the court may, on application by the purchaser and after restoring the stolen property to its rightful owner, order that a sum not exceeding the price paid by the purchaser be  
10 given to him out of any money in the possession of the convicted person.

(2) Any order made under this section does not affect any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the sum paid under the order, but any claim by a person or his representatives for civil damages in respect of the purchase of stolen  
15 property arising from the offence, shall be deemed to have been satisfied to the extent of the amount paid to him under that order.

### **Stay of order**

**301.** The High Court may direct an order under section 298, 299 or 300 made by a Magistrate's Court or District Court to be stayed pending  
20 consideration by the High Court and may modify, alter or annul that order.

### **Destruction of libelous and other matter**

**302.**—(1) On a conviction under section 292, 293, 500, 501 or 502 of the Penal Code (Cap. 224), the court may order the destruction of any  
25 object, matter, substance, or any other property (including any copy of such property in any media) in respect of which the conviction was had and which are in the custody of a police officer or the court, or which remain in the possession or power of the person convicted.

(2) On a conviction under section 272, 273, 274 or 275 of the Penal  
30 Code, the court may order the destruction of the food, drink, drug or medical preparation in respect of which the conviction was had and which are in the custody of a police officer or the court, or which remain in the possession or power of the person convicted.

### **Restoration of possession of immovable property**

5 **303.**—(1) Where a person is convicted of an offence involving criminal force and it appears to the court that by that force a person has been dispossessed of any immovable property, the court may order the possession of it to be restored to that person.

(2) Such an order does not affect any right or interest to or in that immovable property which a person may be able to establish in a civil suit.

### **Procedure governing seizure of property**

10 **304.** If a police officer seizes property which is taken under section 36 or 39, or alleged or suspected to have been stolen, or found under circumstances that lead him to suspect an offence, he must, notwithstanding any other written law, immediately report the seizure to a Magistrate's Court which must make such order as it thinks fit respecting  
15 the delivery of the property to the person entitled to the possession of it or, if that person cannot be ascertained, respecting the custody and production of the property.

### **Procedure when person entitled to property is known**

20 **305.**—(1) If the person entitled to the property referred to in section 304 is known, the Magistrate's Court must cause a notice to be served on that person instructing him to take delivery of the property within the period specified in the notice which must be at least 48 hours after the date of service of the notice.

25 (2) Section 120 shall apply as nearly as may be practicable to the procedure governing the service of the notice referred to in subsection (1) as if a summons were a notice.

30 (3) If the person entitled to the property referred to in section 304 fails to take delivery of the property within the period specified in the notice referred to in subsection (1), the Magistrate's Court may after one month from the expiry of this period cause the property to be sold.

(4) Notwithstanding the other provisions in this section, if the property is perishable or if, in the opinion of the Magistrate's Court, its value is less than \$500, the Magistrate's Court may cause the property to be sold at any time.

(5) The Magistrate's Court must pay the net proceeds of the sale under subsections (3) and (4) on demand to the person entitled.

**Procedure when person entitled to property is unknown or cannot be found**

5     **306.**—(1) If the person entitled to the property referred to in section 304 is unknown or cannot be found, the Magistrate's Court may direct that it be detained in police custody and the Commissioner of Police must, in that case, issue a public notice, specifying the articles of which the property consists and requiring any person who has a claim to it to appear  
10 before him and establish his claim within 6 months from the date of the public notice.

(2) Every notice under subsection (1) must be published in the *Gazette* or any daily newspaper if, in the opinion of the Commissioner of Police, the value of the property is at least \$1,000.

15 (3) If no person establishes a claim to the property within one month from the publication of a notice under subsection (1) and if the person in whose possession the property was found cannot show he had legally acquired it, then the property may be sold on the order of the Commissioner of Police.

20 (4) Notwithstanding subsection (3), if property detained in police custody under this section is perishable or is, in the opinion of the Commissioner of Police, worth less than \$1,000, or if keeping it involves unreasonable expense or inconvenience, then the property may be sold at any time and this section shall apply, as nearly as may be practicable, to  
25 the net proceeds of the sale.

(5) If no person has established a claim to the property within 6 months from the publication of the notice referred to in subsection (1), the ownership of the property or (if sold) its net proceeds shall pass and be vested in the Government absolutely.

30 (6) If a person establishes his claim to the property within 6 months from the publication of the notice referred to in subsection (1), and the property has already been sold by the Commissioner of Police that person shall only be entitled to the net proceeds.

35 (7) In respect of property to which the person entitled is unknown or cannot be found, the Magistrate's Court may order the property to be destroyed or otherwise disposed of at any time if in its opinion —

- (a) the property is of no appreciable value; or
- (b) its value is so small as to —
  - (i) make its sale impracticable; or
  - (ii) make the keeping of it in police custody unreasonably expensive or inconvenient.

5

## PART XVII

### APPEALS, POINTS RESERVED, REVISIONS AND CRIMINAL MOTIONS

#### *Division 1 — Appeals and points reserved*

#### 10 **Interpretation of this Part**

**307.** In this Part —

“appellate court” means any court when exercising its appellate criminal jurisdiction;

“trial court” means any court when exercising its original criminal jurisdiction.

15

#### **When appeal may be made**

**308.**—(1) An appeal against any judgment, sentence or order of, or any failure to make any order by, a court may only be made as provided for by this Code or by any other written law.

20 (2) An appeal may lie on a question of fact or a question of law or on a question of mixed fact and law.

(3) An appeal by the Public Prosecutor shall be against —

(a) the acquittal of an accused or the sentence imposed on an accused or an order of, or the failure to make an order by, the trial court; or

25

(b) the order or decision of the High Court in the exercise of its appellate criminal jurisdiction other than a final order or decision of the High Court disposing of the case.

(4) An appeal by a person convicted by a trial court shall be against —

- (a) his conviction, the sentence imposed on him or an order of, or the failure to make an order by, the trial court; or
- (b) the order or decision of the High Court in the exercise of its appellate criminal jurisdiction other than a final order or decision of the High Court disposing of the case.

### **Limited right of appeal against plea of guilt**

**309.** An accused who has pleaded guilty and has been convicted on that plea in accordance with this Code may appeal only against the extent or legality of the sentence.

### **Appeal against acquittal**

**310.** Where an accused has been acquitted by a court, there shall be no appeal except by the Public Prosecutor.

### **Procedure for appeal**

**311.—**(1) Subject to sections 309 and 310, a person who is not satisfied with any judgment, sentence or order of a trial court or the High Court, as the case may be, in a criminal case or matter to which he is a party may appeal to the appellate court against that judgment, sentence or order in respect of any error in law or in fact, or in an appeal against sentence, on the ground that the sentence imposed is manifestly excessive or inadequate.

(2) A notice of appeal against any judgment, sentence or order of the trial court or the High Court, as the case may be, must be lodged by the appellant within 14 days with the Registrar of the Supreme Court or the Registrar of the Subordinate Court, as the case may be, from the date of that judgment, sentence or order.

(3) Every notice of appeal must —

- (a) state shortly the substance of the judgment, sentence or order appealed against;
- (b) contain an address at which any notice or document connected with the appeal may be served upon the appellant or upon his advocate; and
- (c) unless it is given orally under section 315, must be signed by the appellant or his advocate.

(4) In the case of an appeal by the Public Prosecutor under this Part against the judgment, sentence or order of the High Court hearing a criminal case, the notice of appeal shall be signed by him only.

5 (5) After the notice of appeal has been lodged in accordance with subsection (2) by an appellant who is an accused or a complainant, the Registrar of the Supreme Court or the Registrar of the Subordinate Court, as the case may be, must as soon as possible, serve on the appellant or his advocate at the address mentioned in the notice of appeal, a notice that a copy each of the record of proceedings and the grounds of decision are  
10 available and can be had on applying for the same.

(6) Where an appellant makes an application pursuant to subsection (5), he shall be served with a copy each of the record of proceedings and the grounds of decision upon the payment of the prescribed fee, unless the trial court for some special reason thinks it fit to furnish them free of  
15 charge.

(7) After the notice of appeal has been lodged in accordance with subsection (2) by an appellant who is the Public Prosecutor, the Registrar of the Supreme Court or the Registrar of the Subordinate Court, as the case may be, must as soon as possible, serve on the Public Prosecutor a  
20 copy each of the record of proceedings and the grounds of decision free of charge.

### **Petition of appeal**

**312.**—(1) Within 14 days after service of the record of proceedings and the grounds of decision under section 311(6) or (7), the appellant or his  
25 advocate must lodge a petition of appeal with the Registrar of the Supreme Court or Registrar of the Subordinate Courts, as the case may be.

(2) The petition of appeal must be signed by the appellant or his advocate and must state briefly the substance of the judgment, sentence or order appealed against and must contain sufficient particulars of any  
30 points of law or of fact in respect of which the appellant claims the trial court was in error.

(3) Subject to section 314, if a petition of appeal is not lodged within the time provided under this section, the appeal will be treated as withdrawn.

(4) At any time before the petition of appeal is lodged, the appellant  
35 may file with the Registrar of the Supreme Court or the Registrar of the Subordinate Courts, as the case may be, a notice of discontinuance of the

appeal, and if he does so, he must serve the notice on the other party to the appeal on the date of the filing.

5 (5) The appellant may, after he had lodged a petition of appeal within the time provided under this section, in a notice in writing to the Registrar of the Supreme Court seek leave of court to withdraw the appeal.

(6) Except with the leave of the appellate court, the appellant shall not be permitted, on the hearing of the appeal, to rely on any ground of appeal other than those set out in the petition of appeal.

10 (7) Upon withdrawal or discontinuance of any appeal, the Registrar of the Supreme Court shall notify the trial court accordingly and any stay of execution shall immediately cease to have effect.

### **Court proceedings records to be sent to appellate court and respondent**

15 **313.** Where the petition of appeal has been filed under section 312, the trial court appealed from must send to the appellate court and the Public Prosecutor or to the respondent or his advocate, as the case may be, a signed copy of the record of the proceedings, the grounds of decision, a copy of the notice of appeal and the petition of appeal.

### **Appeal specially allowed in certain cases**

20 **314.—**(1) The appellate court may, on the application of any person debarred from appealing for non-compliance with any provision of this Code, permit him to appeal against any judgment, sentence or order if it considers it to be in the interest of justice, subject to such terms and conditions as the court thinks fit.

25 (2) The appellate court may, on the application of the accused or his advocate, or the Public Prosecutor, permit an appeal to proceed to hearing without the grounds of decision subject to such terms and conditions as the court thinks fit.

### **Procedure when appellant in prison**

30 **315.—**(1) If the appellant is in prison, he shall be deemed to have complied with the requirements in sections 311 and 312 if he gives to the officer-in-charge of the prison, either orally or in writing, notice of appeal and the particulars to be included in the petition of appeal within the times prescribed by those sections.

(2) Such officer must immediately forward such notice and petition or their purport to the Registrar of the Supreme Court or the Registrar of the Subordinate Court, as the case may be.

### **Bail pending appeal**

5     **316.** A Subordinate Court or the High Court may grant bail to a person who has filed a notice of appeal against his conviction in accordance with section 311.

### **Stay of execution pending appeal**

10     **317.**—(1) An appeal shall not operate as a stay of execution, but the trial court and the appellate court may stay execution on any judgment, sentence or order pending appeal, on any terms as to security for the payment of money or the performance or non-performance of an act or the suffering of a punishment imposed by the judgment, sentence or order.

15     (2) If the appellant is ultimately sentenced to imprisonment, the time during which the execution of the sentence was stayed shall be excluded in computing the term of his sentence unless the appellate court orders otherwise.

(3) In the case of a conviction involving sentence of death, the sentence must not be executed until —

- 20     (a) after the time allowed under this Code for appeal; or  
        (b) if an appeal is made within the time allowed under this Code for appeal, after the sentence is confirmed by the appellate court.

### **Summary rejection of appeal**

25     **318.**—(1) Where the grounds of appeal do not raise any question of law and it appears to the appellate court that the evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could raise a reasonable doubt whether the conviction was right or lead the appellate court to consider that the sentence ought to be reduced, the appeal may, without being set down for hearing, be  
 30     summarily rejected by an order under the hand of a Judge or a presiding Judge, as the case may be, certifying that the appellate court, having perused the record, is satisfied that the appeal has been brought without any sufficient ground of complaint.

(2) Where an appellate court comprises more than one Judge, the decision of the appellate court to reject the appeal summarily under subsection (1) can only be made by a unanimous decision of all the Judges or Judges of Appeal.

5 (3) Notice of the rejection must be served on the appellant.

(4) If, in any case rejected under subsection (1), the appellant gives, within 7 days of service of notice of the rejection on him, notice to the Registrar of the Supreme Court of application for leave to amend his grounds of appeal so as to raise a question of law, accompanied by a certificate signed by an advocate specifying the question to be raised and undertaking to argue it, the Chief Justice may grant leave to amend accordingly and shall restore the appeal for hearing.

(5) For the purposes of subsection (4), the question whether a sentence ought to be reduced shall be deemed not to be a question of law.

15 **Notice and time of hearing**

**319.** If the appellate court does not reject the appeal summarily under section 318, it shall cause notice to be given to the appellant or his advocate and to the Public Prosecutor of the time and place at which the appeal will be heard.

20 **Appeal to be heard by one or more Judges**

**320.—**(1) An appeal before the High Court may ordinarily be heard by a single Judge, but if the Chief Justice so directs or the Public Prosecutor so requests in writing at any time before the hearing, the appeal must be heard before a court consisting of 3 or any greater uneven number of Judges.

(2) An appeal before the Court of Appeal —

(a) in relation to an appeal under section 308(3)(b), may be heard by 2 Judges of Appeal; and

(b) in any other case, may ordinarily be heard by 3 Judges of Appeal, but if the Chief Justice so directs or the Public Prosecutor so requests in writing at any time before the hearing, the appeal must be heard before a court consisting of 5 or any greater uneven number of Judges.

(3) An appeal before 3 or more Judges must be decided in accordance with the opinion of a majority of them.

(4) In any case, the appellate court may, of its own motion or on the application of a party concerned, with reasonable notice to the parties, bring forward or postpone the hearing of an appeal, on such terms as it thinks fit as to the costs of the appeal.

### **Procedure at hearing**

**321.**—(1) At the hearing of an appeal, the appellate court shall hear the appellant, if he appears, or his advocate, and, if it thinks fit, the respondent or his advocate, if he appears, and may hear the appellant or his advocate in reply.

(2) If the appellant is in custody and does not appear at the hearing to support his appeal in person or by advocate, the appellate court may consider his appeal and may make such order as it thinks fit.

(3) If the appellant is not in custody but fails to appear at the hearing of the appeal, the appellate court may dismiss the appeal, except that the court may reinstate the appeal if the appellant subsequently appears before the court and satisfies the court that his non-appearance was not due to his fault.

### **Non-appearance of respondent**

**322.**—(1) If, at the hearing of the appeal, the respondent is absent and the appellate court is not satisfied that the notice of appeal has been duly served on him, the court must not make any order against the respondent, but must adjourn the hearing to a future day and direct the Registrar of the Supreme Court to serve the notice of appeal for him to appear.

(2) If the notice cannot be served on the respondent, or if the court is satisfied that the notice of appeal has been duly served on the respondent, and he is absent at the hearing of the appeal, the court may hear the appeal in his absence.

### **Arrest of respondent in certain cases**

**323.**—(1) Where the High Court or District Court is informed that the Public Prosecutor intends to appeal against the acquittal of an accused person, the court may, on the application of the Public Prosecutor, order that the accused person be remanded in custody for a period not exceeding

48 hours pending the filing of the notice of appeal by the Public Prosecutor.

(2) Where the Public Prosecutor appeals against an acquittal after an application under subsection (1), the trial court that acquitted the accused  
5 may commit him to prison pending the disposal of the appeal or admit him to bail.

### **Decision on appeal**

**324.**—(1) At the hearing of the appeal, the appellate court may, if it considers there is no sufficient ground for interfering, dismiss the appeal  
10 or may —

- (a) in an appeal from an order of acquittal, reverse the order and direct that further inquiry shall be made or that the accused shall be retried, or find him guilty and pass sentence on him according to law;
- 15 (b) in an appeal from a conviction —
  - (i) reverse the finding and sentence and acquit or discharge the accused or order him to be retried by a court of competent jurisdiction;
  - (ii) alter the finding, maintaining the sentence or, with or  
20 without altering the finding, reduce or enhance the sentence; or
  - (iii) with or without the reduction or enhancement and with or without altering the finding, alter the nature of the sentence;
- (c) in an appeal as to sentence, reduce or enhance the sentence, or  
25 alter the nature of the sentence; or
- (d) in an appeal from any other order, alter or reverse the order.

(2) Nothing in subsection (1) shall be taken to prevent the appellate court from making such other order in the matter as it may think just.

(3) Notwithstanding any written law to the contrary, when hearing an  
30 appeal against an order of acquittal or conviction or any other order, the appellate court may frame an altered charge (whether or not it attracts a higher punishment) if satisfied that, based on the records before the court, there is sufficient evidence to constitute a case which the accused has to answer.

(4) If the offence stated in the altered charge is one that requires the Public Prosecutor's consent or the complaint of an aggrieved party under section 14, then the appeal must not proceed before consent or complaint is obtained, unless, in the case where a consent is required, the consent has already been obtained for a prosecution on the same facts as those on which the altered charge is based.

(5) After the appellate court has framed an altered charge, it must ask the accused if he intends to offer a defence.

(6) If the accused indicates that he intends to offer a defence, the appellate court may, after considering the nature of the defence —

(a) order that the accused be tried by a trial court of competent jurisdiction; or

(b) convict the accused on the altered charge (other than a charge which carries the death penalty) after hearing submissions on questions of law and fact and if it is satisfied that, based on its findings on the submissions and the records before the court, and after hearing submissions of the accused, there is sufficient evidence to do so.

(7) If the accused indicates that he does not intend to offer a defence, the appellate court may —

(a) convict the accused on the altered charge if it is satisfied that, based on the records before the court, there is sufficient evidence to do so; or

(b) order that the accused be tried by a trial court of competent jurisdiction, if it is not satisfied that, based on the records before the court, there is sufficient evidence to convict the accused on the altered charge.

(8) At the hearing of the appeal, the appellate court may on the application of the Public Prosecutor, and with the consent of the accused, take into consideration any outstanding offences which he admits to have committed for the purposes of sentencing him.

(9) The sentencing powers of the appellate court in the exercise of its appellate jurisdiction shall not exceed the sentencing power of the trial court whose judgment, sentence or order is appealed against.

### **Omission to frame charge**

**325.**—(1) A judgment, sentence or order pronounced or passed shall not be invalid merely because no charge was framed, unless the appellate court is of the opinion that it has caused a failure of justice.

- 5 (2) If the appellate court is of such opinion, the appellate court must order a new trial.

### **Taking additional evidence**

**326.**—(1) In dealing with any appeal under this Part, the appellate court may, if it thinks additional evidence is necessary, either take such  
10 evidence itself or direct it to be taken by the trial court.

(2) Unless the appellate court directs otherwise, the accused or his advocate must be present when the additional evidence is taken.

(3) When the trial court has taken the additional evidence, it must send the record of the proceedings duly certified by it to the appellate court for  
15 it to deal with in the appeal.

(4) The trial court must also state what effect, if any, the additional evidence taken has on its earlier verdict.

(5) Sections 192 and 245 to 248 shall apply with the necessary modifications to the taking of additional evidence under this section.

### **20 Death of party to appeal**

**327.**—(1) Where a person has died —

- (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the High Court; and  
25 (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case under paragraph (a), any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.

30 (2) The High Court may only give an approval to —

- (a) the widow or widower of the dead person;  
(b) a person who is the personal representative of the dead person; or

(c) any person appearing to the High Court to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.

5 (3) An application for an approval may not be made after the end of the period of one year beginning with the date of death.

(4) Where this section applies, any reference to the appellant in any written law shall, where appropriate, be construed as being or including a reference to the person approved under this section.

10 (5) In this section, “relevant appeal” means an appeal made under this Part.

### **Grounds for reversal by appellate court**

15 **328.** Any judgment, sentence or order of a trial court may be reversed or set aside only where the appellate court is satisfied that it was wrong in law or as being against the weight of the evidence or, in the case of a sentence, manifestly excessive or inadequate in all the circumstances of the case.

### **Power of court to state case**

20 **329.**—(1) A trial court hearing any criminal case may on the application of any party to the proceedings, or on its own motion, state a case to the relevant court on any question of law.

(2) Any application or motion made —

25 (a) on a question of law which arises as to the interpretation or effect of any provision of the Constitution may be made at any stage of the proceedings after the question arises and must set out the question to be referred to the relevant court;

30 (b) on any other question of law must be made in writing within 10 days from the time of the making or passing of the judgment, sentence or order by the trial court and set out briefly the facts under deliberation and the question of law to be decided on them.

(3) The trial court shall —

(a) upon an application or motion made on a question of law which arises as to the interpretation or effect of any provision of the Constitution, state the case to the relevant court by setting out the

question which in its opinion has arisen as to the interpretation or effect of the Constitution, which question shall, so far as may be possible, be in a form which shall permit of an answer being given in the affirmative or the negative; and

5 (b) upon an application or motion made on any other question of law, state the case to the relevant court by briefly setting out the facts that it considers proved and the question of law to be to be reserved for the opinion of the relevant court.

10 (4) Notwithstanding subsection (3), the trial court may refuse to state a case upon any application if it considers the application frivolous or without any merit, but it must state a case if the application is made by the Public Prosecutor.

15 (5) If a trial court refuses to state a case under subsection (4), the applicant may apply to the relevant court for an order to direct the trial court to state the case.

(6) The trial court in stating any case under subsection (3) shall cause the case to be transmitted to the Registrar of the Supreme Court.

(7) The relevant court shall hear and determine the question of law or constitutional question arising out of the case stated.

20 (8) Before stating any case to the relevant court under subsection (3)(a), the trial court may make an order to stay the proceedings which shall be made at such stage of the proceedings as the court may see fit having regard to the decision of such questions of fact as may be necessary to assist the relevant court in deciding the question which has arisen and to the speedy and economical final determination of the proceedings.

25 (9) The trial court making an order to stay the proceedings under subsection (8) may impose any terms to await the opinion and order, if any, of the relevant court on any case stated under subsection (3)(a).

30 (10) When the Registrar of the Supreme Court receives a case stated, he must send a copy to every party to the proceedings and to the Public Prosecutor (if he is not a party), and fix a date for the hearing of the case stated.

(11) The Public Prosecutor shall have a right of hearing at the hearing of the case stated.

35 (12) Where the High Court is hearing the case stated, it shall ordinarily be heard by a single Judge, but if the Chief Justice so directs or the Public

Prosecutor so requests in writing at any time before the hearing, the case stated must be heard before a court comprising 3 or any greater uneven number of Judges.

5 (13) Where the Court of Appeal is hearing the case stated, it shall ordinarily be heard by 3 Judges of Appeal, but if the Chief Justice so directs or the Public Prosecutor so requests in writing at any time before the hearing, the case stated must be heard before a court comprising 5 or any greater uneven number of Judges of Appeal.

(14) In this section, the “relevant court” means —

10 (a) the High Court where the trial court which stated the case is the Subordinate court; and

(b) the Court of Appeal where the trial court which stated the case is the High Court.

15 **Application by Public Prosecutor to state case directly to Court of Appeal**

20 **330.**—(1) The Public Prosecutor may, instead of applying to state a case on any question of law arising at a trial before a Subordinate Court for the opinion of the High Court under section 329, apply to state a case directly to the Court of Appeal if the Public Prosecutor certifies that the question of law is of public interest and ought to be decided by the Court of Appeal.

(2) The Subordinate Court referred to in subsection (1) must state the case on such an application and upon receiving the certificate of the Public Prosecutor.

25 (3) Section 329(2), (3), (6) to (11) and (13) shall apply to the case stated under this section, except that any reference to the relevant court in those provisions shall be a reference to the Court of Appeal.

**Power to state case to Court of Appeal of criminal matter determined by High Court in exercise of its appellate or revisionary jurisdiction**

30 **331.**—(1) Where a criminal matter has been determined by the High Court in the exercise of its appellate or revisionary jurisdiction, the Public Prosecutor may, if he desires the opinion of the Court of Appeal, state a case for the decision of the Court on any question of law which has arisen in the matter and the determination of which by the Judge has affected the

case and the Court of Appeal shall hear and determine the case in the form as stated by the Public Prosecutor.

(2) Subject to subsection (1), where a criminal matter has been determined by the High Court in the exercise of its appellate or revisionary jurisdiction, the Judge may on his own motion or on the application of the accused, state a case for the decision of the Court of Appeal on any question of law of public interest which has arisen in the matter and the determination of which by the Judge has affected the case.

(3) An application under subsection (1) or (2) must be made within one month of the determination of the matter to which it relates, or such longer time as the Court of Appeal may permit.

(4) Where the application is made under subsection (1), it shall be made by the Public Prosecutor only and a copy of the case stated must be transmitted to the Registrar of the Supreme Court.

(5) For the purposes of this section, any question of law regarding which there is a conflict of judicial authority shall be deemed to be a question of public interest.

(6) Section 329(10), (11) and (13) shall apply to the case stated under subsection (1).

(7) Section 329(3), (4), (5), (6), (7), (10), (11) and (13) shall apply to the case stated under subsection (2), except that any reference to the trial court or the relevant court in those provisions shall be a reference to the High Court and the Court of Appeal respectively.

### **Determination and order**

**332.**—(1) The High Court or the Court of Appeal, as the case may be, must hear and determine any question of law arising on the case stated and must affirm, amend or reverse the decision or make any other order it thinks fit for the final disposal of the case.

(2) Any judge stating a case under this Code shall not be liable to any costs incurred with respect to it.

### **Opinion on case stated**

**333.**—(1) The opinion of the High Court or the Court of Appeal must be in the form of an answer to the question set out in the case stated.

(2) The Registrar must deliver a copy of the Opinion of the High Court or of the Court of Appeal and such orders that the court has made under section 332 to the Public Prosecutor, the Registrar of the Subordinate Courts and every party to the proceedings in which the case stated arose.

- 5 (3) If the opinion of the High Court or the Court of Appeal, as the case may be, is given pending the conclusion of the trial, the trial court must proceed with the case having regard to the opinion on the case stated and the orders of the High Court or Court of Appeal under made under section 332.

10 *Division 2 — Revision of proceedings before  
Subordinate Courts*

**Power to call for records of Subordinate Courts**

15 **334.**—(1) Subject to this section and section 335, the High Court may, on its own motion or on the application of a Subordinate Court, the Public Prosecutor or the accused in any proceedings, call for and examine the record of any criminal proceeding before any Subordinate Court to satisfy itself as to the correctness, legality or propriety of any judgment, sentence or order recorded or passed and as to the regularity of those proceedings.

20 (2) No application may be made by any party under this section in relation to any judgment, sentence or order which he could have appealed against but had failed to do so in accordance with the law unless the application is made —

- (a) against a failure by a court to impose the mandatory minimum sentence or any other sentence required by written law; or  
25 (b) against a sentence imposed by a court which the court is not competent to impose.

**Powers of High Court on revisions**

**335.**—(1) On examining a record under revision, the High Court may —  
30 (a) direct the lower court to make further inquiry into a complaint which has been dismissed under section 155 or into the case of an accused who has been discharged; and  
(b) exercise any of the powers given by sections 317, 323, 324 and 326.

(2) The High Court may not reverse or modify any order that adversely affects the interest of any party without that party first being heard.

(3) This section does not authorise the High Court to convert an acquittal into a conviction.

5 **Permission for parties to appear**

**336.** Subject to section 335(2), no party shall have the right to be heard either personally or by advocate in any revision proceedings initiated by the High Court except where leave of court has been obtained or the party is the Public Prosecutor.

10 **Orders on revision**

**337.** Where a case is revised under this Part, the High Court must certify its decision or order to the Subordinate Court which made the order that is revised and that Court must make the requisite orders to give effect to the decision or order.

15 *Division 3 — Criminal motions*

**Motion**

**338.** A motion to the High Court in respect of any criminal matter must be made in accordance with this Division.

**Notice of motion**

20 **339.**—(1) No motion shall be made without previous notice to the other party to the proceedings.

(2) Unless the High Court gives leave to the contrary, there must be at least 7 clear days between the service of the notice of a criminal motion and the day named in the notice for hearing the motion.

25 **Form and issue of notice of motion**

**340.**—(1) The notice of a criminal motion must be in the prescribed form.

(2) The notice of a criminal motion must be —

30 (a) supported by an affidavit setting out a concise statement of the facts, the relief or remedy required and the reasons for the relief or remedy; and

(b) sealed by an officer of the Registry of the Supreme Court.

### **Adjournment of hearing**

**341.** The hearing of any criminal motion may be adjourned from time to time on such terms as the High Court thinks fit.

### 5 **Costs**

**342.** If the High Court dismisses a criminal motion and is of opinion that the motion was frivolous or vexatious or otherwise an abuse of the process of the court, it may, either on the application of the respondent or on its own motion, order the applicant, or the applicant's counsel, to pay to  
10 the respondent costs on an indemnity basis or otherwise fixed by the Court.

## PART XVIII

### SPECIAL PROCEEDINGS

#### *Division 1 — Proceedings in case of certain offences 15 affecting administration of justice*

#### **Procedure as to offences committed in court, etc.**

**343.** When any such offence as is described in section 175, 178, 179, 180 or 228 of the Penal Code (Cap. 224) is committed in the view or presence of any civil or criminal court other than the High Court, the court  
20 may cause the offender to be detained in custody and at any time before the rising of the court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both.

#### 25 **Record of facts constituting offence**

**344.—(1)** In every such case the court shall record the facts constituting the offence with the statement, if any, made by the offender as well as the finding and sentence.

(2) If the offence is under section 228 of the Penal Code the record must  
30 show the nature and stage of the judicial proceeding in which the court

interrupted or insulted was sitting and the nature of the interruption or insult.

### **Alternative procedure**

5       **345.** If the court, in any case considers that a person accused of any of the offences referred to in section 343 and committed in its view or presence may be better dealt with by ordinary process of law, the court, after recording the facts constituting the offence and the statement of the accused as provided in section 344, may direct the accused to be prosecuted and may require security to be given for the appearance of the  
10       accused person before a Magistrate's Court or, if sufficient security is not given, may take that person under custody to a Magistrate's Court.

### **Power to remit punishment**

15       **346.** When any court has under section 343 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do or for any intentional insult or interruption, the court may, in its discretion, discharge the offender or remit the punishment or any part of it on his submission to the order or requisition of the court or on apology being made to its satisfaction.

### **Refusal to give evidence**

20       **347.**—(1) If any witness before a criminal court refuses to answer such questions as are put to him or to produce any document in his possession or power which the court requires him to produce and does not offer any reasonable excuse for such refusal, that court may, for reasons to be recorded in writing, sentence him to imprisonment for a term which may  
25       extend to 7 days unless in the meantime he consents to be examined and to answer or to produce the document.

(2) In the event of his persisting in his refusal he may be dealt with according to section 343 or 345 notwithstanding any sentence he has undergone under this section.

### **Appeal**

30       **348.**—(1) Any person sentenced by any court under this Division may appeal to the High Court.

(2) Division 1 of Part XVII shall, so far as it is applicable, apply to appeals under this section and the appellate court may alter or reverse the finding or reduce, alter or reverse the sentence appealed against.

### **Magistrate not to try certain offences committed before himself**

5     **349.** Except as provided in sections 343 and 347, no Magistrate shall try any person for any offence referred to in section 14 when the offence is committed before himself or in contempt of his authority or is brought under his notice as such Magistrate in the course of a judicial proceeding.

### *Division 2 — Special proceedings — Order for Review of Detention*

#### 10     **Application for Order for Review of Detention**

**350.**—(1) Any person —

- (a) who is detained in any prison within the limits of Singapore on a warrant of extradition under any law for the time being in force in Singapore relating to extradition of fugitive offenders;
- 15     (b) who is alleged to be illegally or improperly detained in public or private custody within those limits; or
- (c) who claims to be brought before the court to be dealt with according to law,

may apply to the High Court for an Order for Review of Detention.

20     (2) On an application by a person detained on a warrant of extradition, the High Court shall call upon the Public Prosecutor, the committing Magistrate and the foreign Government to show cause why the writ should not issue.

25     (3) Notice of the application together with copies of all the evidence used on the application shall be served upon the Public Prosecutor.

### **Orders for Review of Detention**

**351.** The High Court may, whenever it thinks fit, order that a prisoner detained in any prison situate within the limits of Singapore shall be —

- (a) admitted to bail;
- 30     (b) brought before a court martial; or

- (c) removed from one custody to another for the purpose of trial or for any other purpose which the Court thinks proper.

### **Court martial**

5 **352.**—(1) Every application that a prisoner detained in custody shall be required to be brought before a court martial for trial shall be in the form of a letter addressed by the presiding officer of that court martial stating the purpose for which the court martial has been assembled and also stating where the prisoner is detained in custody and when, where and for what purpose he is required to be produced.

10 (2) The Registrar of the Supreme Court shall submit the letter as soon as possible after the receipt thereof to, and obtain the order thereon of, a Judge of the High Court.

15 (3) If an order is made under this section, it shall be drawn up with a direction that a warrant shall be issued accordingly and the warrant shall be prepared and signed by the Registrar of the Supreme Court and countersigned by the Judge who made the order and sealed with the seal of the High Court.

20 (4) The warrant when issued shall be forwarded by the Registrar of the Supreme Court to the officer in charge of the prison in which the prisoner is confined.

### **Removal of prisoner from one custody to another**

25 **353.**—(1) Every application to remove a prisoner from one custody to another for the purpose of trial or for any other purpose shall be made to the High Court or a Judge of the High Court and shall be supported by an affidavit stating —

- (a) where the prisoner is detained in custody;
- (b) to what other custody it is proposed to remove him; and
- (c) the reason for the change of custody.

30 (2) If an order is made for the removal of a prisoner from one custody to another for the purpose of trial or for any other purpose, the order shall be drawn up with a direction that a warrant shall be issued accordingly.

(3) The warrant shall be prepared and signed by the Registrar of the Supreme Court and countersigned by the Judge of the High Court who made the order and sealed with the seal of the Court.

### **Duty of officer to whom writ or warrant is addressed**

5 **354.** The officer to whom any writ or warrant is addressed under this Part shall act in accordance with it and shall provide for the safe custody of the prisoner during his absence from prison for the purpose mentioned in the writ or warrant.

### **No appeal**

10 **355.** No appeal shall lie from an order directing or refusing to direct the issue of an Order for Review of Detention or from an order made under section 351 but the High Court or Judge of the High Court may at any time adjourn the hearing for the decision of a Court consisting of 3 or more Judges.

## **PART XIX**

### **MISCELLANEOUS**

#### **When irregularities do not make proceedings invalid**

15 **356.** Subject to this Code, any judgment, sentence or order passed or made by a court of competent jurisdiction may not be reversed or altered on account of —

- 20 (a) an error, omission or irregularity in the complaint, summons, warrant, charge, judgment or other proceedings before or during trial or in an inquiry or other proceeding under this Code;
- (b) the lack of any consent by the Public Prosecutor as required by law; or
- (c) the improper admission or rejection of any evidence,

25 unless the error, omission, improper admission or rejection of evidence, irregularity or lack of consent has caused a failure of justice.

#### **Duty to give information of certain matters**

30 **357.** Every person aware of the commission of or the intention of any other person to commit any arrestable offence punishable under Chapters VI, VII, VIII (except section 267B), XII and XVI of the Penal Code or under any of the following sections of the Penal Code:

161, 162, 163, 164, 170, 171, 211, 212, 216, 216A, 226, 270, 281,  
 285, 286, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396,  
 397, 399, 400, 401, 402, 430A, 435, 436, 437, 438, 440, 449, 450,  
 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 489A, 489B, 489C,  
 5 489D and 506,

shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, immediately give information to the officer in charge of the nearest police station or to a police officer of the commission or intention.

### 10 **Vexatious litigants**

**358.**—(1) If, on an application made by the Attorney-General, the High Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious criminal proceedings, whether in the High Court or in any Subordinate Court, and whether  
 15 against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity of being heard, order that —

(a) no criminal proceedings shall, without the leave of the High Court, be instituted by him in any court; and

20 (b) any criminal proceedings instituted by him in any court before the making of the order shall not be continued by him without such leave, and such leave shall not be given unless the High Court is satisfied that the proceedings are not an abuse of the process of the court and that there is prima facie ground for the  
 25 proceedings.

(2) If the person against whom an order is sought under subsection (1) is unable on account of poverty to retain an advocate, the High Court shall assign one to him.

30 (3) No appeal shall lie from an order under subsection (1) refusing leave for the institution or continuance of criminal proceedings.

(4) A copy of any order under subsection (1) shall be published in the *Gazette*.

### **Irregularity in attachment**

35 **359.**—(1) An attachment made under this Code shall not be considered unlawful, nor shall any person making it be considered to have done any

wrong on account of some defect or lack of form in the summons, conviction, order of attachment or other proceeding relating to it.

(2) The person referred to in subsection (1) shall not be considered to have done wrong from the start on account of any irregularity that he afterwards commits, but anyone wronged by the irregularity may take such proceedings in a civil court as he thinks fit to recover damages for any loss or harm he might have suffered.

### **Copies of proceedings**

**360.**—(1) Any person (other than the Public Prosecutor) affected by any judgment, sentence or order made by a court may, on application to the court and upon payment of the prescribed fee, be furnished with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

(2) The court may, if it thinks fit, waive the payment of any fee under this section.

(3) The Public Prosecutor may apply to the court and must be furnished, free of charge, with a copy of any judgment, sentence, order, deposition or any other part of the record of proceedings.

### **Amendment of Schedules**

**361.**—(1) The Minister may, by order published in the *Gazette*, amend any of the Schedules.

(2) Every order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Minister to make regulations**

**362.**—(1) The Minister may make regulations for anything that is required, permitted or necessary for carrying out the purposes and provisions of this Code.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters —

- (a) the rates or scales of payment of the expenses and compensation to be ordered under section 297 and concerning the payment of them;

- (b) the treatment, training and detention of persons sentenced to reformatory training, corrective training or preventive detention, including any matter relating to the supervision of such persons when they are released from their places of detention;
- 5 (c) any form which is to be used by any person in relation to any matter under this Code; and
- (d) the prescribing of anything that is required or permitted to be prescribed under this Code.

## FIRST SCHEDULE

Sections 2, 13, 156(1) and 361(1)

## TABULAR STATEMENT OF OFFENCES UNDER THE PENAL CODE

5 *Explanatory Notes. (1) The entries in the second and seventh columns of this Schedule, headed respectively "Offence" and "Maximum punishment under the Penal Code" are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column. In the case of many offences punishable by fine the maximum fine is limited by the Penal Code: such offences are, in the seventh column marked\*.*

10 *(2) The entries in the third column of this Schedule are not intended in any way to restrict the powers of arrest without warrant which may be lawfully exercised by police officers.*

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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## CHAPTER V — ABETMENT

109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant, if arrest for the offence abetted may be made without warrant but not otherwise	According as to whether a warrant or summons may issue for the offence abetted	According as to whether the offence abetted is bailable or not	According as to whether the offence abetted is compoundable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted	Ditto
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence committed	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
114	Abetment of any offence, if the abettor is present when offence is committed	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
115	If an act which causes harm is done in consequence of the abetment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	Ditto
116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto
116	If the abettor or the person abetted is a public servant whose duty it is to prevent the offence	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
117	Abetting the commission of an offence by the public, or by more than 10 persons	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence is committed	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
118	If the offence is not committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence is committed	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to half of the longest term provided for the offence, or fine, or both	Ditto
119	If the offence is punishable with death or imprisonment for life	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine	Ditto
119	If the offence is not committed	Ditto	Ditto	According as to whether the offence abetted is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
119	If the offence is punishable with death or imprisonment for life but is not committed	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed	Ditto	Ditto	According as to whether the offence is bailable or not	Ditto	Imprisonment extending to a quarter of the longest term provided for the offence, or fine, or both	Ditto
120	If the offence is not committed	Ditto	Ditto	Ditto	Ditto	Imprisonment extending to one-eighth of the longest term provided for the offence, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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**CHAPTER VA — CRIMINAL CONSPIRACY**

120B	Criminal conspiracy	May arrest without warrant if arrest for the offence the object of the conspiracy may be made without warrant, but not otherwise	According as to whether warrant or summons may issue for the offence the object of the conspiracy	According as to whether the offence the object of the conspiracy is bailable or not	Not compoundable	The same punishment as if the offence the object of the conspiracy was abetted	The court by which the offence the object of the conspiracy is triable
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**CHAPTER VI — OFFENCES AGAINST THE STATE**

121	Waging or attempting to wage war, or abetting the waging of war, against the Government	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death, or imprisonment for life, and fine	
121A	Offences against the President's person	Ditto	Ditto	Ditto	Ditto	Ditto	
121B	Offences against authority	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
121C	Abetting offences under section 121A or 121B	Ditto	Ditto	Ditto	Ditto	Punishment provided for offences under section 121A or 121B	
121D	Intentional omission to give information of offences against section 121, 121A, 121B or 121C	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
122	Collecting arms, etc., with the intention of waging war against the Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
123	Concealing with intent to facilitate a design to wage war	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	
124	Assaulting the President, etc., with intent to compel or restrain the exercise of any lawful power	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
125	Waging war against any power in alliance or at peace with the Government or abetting the waging of such war	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine, or fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
126	Committing depredation on the territories of any power in alliance or at peace with the Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, and forfeiture of certain property	District Court
127	Receiving property taken by war or depredation mentioned in sections 125 and 126	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and forfeiture of property so received	Ditto
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	
129	Public servant negligently suffering prisoner of State or war in his custody to escape	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
130	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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## CHAPTER VIA — PIRACY

130B	Piracy by law of nations	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for life, and caning	
130B	While committing or attempting to commit piracy, the person commits murder or attempts to commit murder, or does any act which is likely to endanger the life of another person	Ditto	Ditto	Ditto	Ditto	Death	
130C	Piratical acts	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and caning	

## CHAPTER VIB — GENOCIDE

130E	Genocide where offence consists of the killing of any person	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death	
130E	Genocide in any other case	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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**CHAPTER VII — OFFENCES RELATING TO THE ARMED FORCES**

131	Abetting mutiny, or attempting to seduce an officer, a sailor, a soldier or an airman from his allegiance or duty	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for life, or imprisonment for 10 years, and fine	
132	Abetment of mutiny, if mutiny is committed in consequence thereof	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, or imprisonment for 10 years, and fine	
133	Abetment of an assault by an officer, a sailor, a soldier or an airman on his superior officer, when in the execution of his office	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
134	Abetment of such assault, if the assault is committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
135	Abetment of the desertion of an officer, a sailor, a soldier or an airman	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
136	Harbouring such an officer, a sailor, a soldier or an airman who has deserted	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto
138	Abetment of act of insubordination by an officer, a sailor, a soldier or an airman, if the offence is committed in consequence	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
140	Wearing garb or carrying any token used by a sailor, a soldier or an airman with intent that it may be believed that he is such	Ditto	Summons	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

**CHAPTER VIII — OFFENCES RELATING TO UNLAWFUL ASSEMBLY**

143	Being member of an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
144	Joining an unlawful assembly armed with any deadly weapon	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
147	Rioting	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
148	Rioting, armed with a deadly weapon	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
149	Offence committed by member of an unlawful assembly, other members guilty	According as to whether arrest may be made without warrant for the offence or not	According as to whether a warrant or summons may issue for the offence	According as to whether the offence is bailable or not	Ditto	The same as for the offence	The court by which offence is triable

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
150	Hiring, engaging or employing persons to take part in an unlawful assembly	May arrest without warrant	According to the offence committed by the person hired, engaged or employed	Ditto	Ditto	The same as for a member of such assembly, and for any offence committed by any member of such assembly	Ditto
151	Knowingly joining or continuing in any assembly of 5 or more persons after it has been commanded to disperse	Ditto	Warrant	Not bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 8 years, or fine, or both	Ditto
153	Wantonly giving provocation with intent to cause riot, if rioting is committed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
153	If not committed	Ditto	Ditto	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto
154	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it	Ditto	Ditto	Ditto	Ditto	Fine	Ditto
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
157	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
158	Being hired to take part in an unlawful assembly or riot	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
158	Or to go armed	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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**CHAPTER IX — OFFENCES BY OR RELATING TO PUBLIC SERVANTS**

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
162	Taking a gratification in order by corrupt or illegal means to influence a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
163	Taking a gratification for the exercise of personal influence with a public servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
164	Abetment by public servant of the offences defined in sections 162 and 163 with reference to himself	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by the public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
166	Public servant disobeying a direction of the law with intent to cause injury to any person	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
167	Public servant framing an incorrect document or electronic record with intent to cause injury	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
168	Public servant unlawfully engaging in trade	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
169	Public servant unlawfully buying or bidding for property	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased	Ditto
170	Personating a public servant	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
171	Wearing garb or carrying token used by public servant with fraudulent intent	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

**CHAPTER X — CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS**

172	Absconding to avoid service of summons or other proceeding from a public servant	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
172	If summons or notice requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
173	If summons, etc., requires attendance in person, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
174	If the order requires personal attendance, etc., in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
175	Intentionally omitting to produce a document or an electronic record to a public servant by a person legally bound to produce or deliver such document or electronic record	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for one month, or fine*, or both	The court in which the offence is committed subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court
175	If the document or electronic record is required to be produced in or delivered to a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give the notice or information	Ditto	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Magistrate's Court or District Court
176	If the notice or information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
177	Knowingly furnishing false information to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
177	If the information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
178	Refusing oath when duly required to take an oath by a public servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	The court in which the offence is committed, subject to the provisions of Chapter XXXII, or if not committed in a court, a District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
179	Being legally bound to state truth, and refusing to answer questions to a public servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
180	Refusing to sign a statement made to a public servant when legally required to do so	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
181	Knowingly stating to a public servant on oath as true that which is false	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person	Ditto	Summons	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
183	Resistance to the taking of property by the lawful authority of a public servant	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
184	Obstructing sale of property offered for sale by authority of a public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
186	Obstructing public servant in discharge of his public functions	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
187	Omission to assist public servant when bound by law to give such assistance	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto
187	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one month, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
188	If such disobedience causes danger to human life, health or safety, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
190	Threatening any person to induce him to refrain from making a legal application for protection from injury	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto

**CHAPTER XI — FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE**

193	Giving or fabricating false evidence in a judicial proceeding	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 7 years, and fine	District Court
193	Giving or fabricating false evidence in any other case	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
194	If innocent person is thereby convicted and executed	Ditto	Ditto	Ditto	Ditto	Death, or as above	
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for life or imprisonment for 7 years or upwards	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	The same as for the offence	
196	Corruptly using or attempting to use evidence known to be false or fabricated	Shall not arrest without warrant	Ditto	Bailable	Ditto	The same as for giving or fabricating false evidence	District Court
197	Knowingly issuing or signing a false certificate relating to any fact of which that certificate is by law admissible in evidence	Ditto	Ditto	Ditto	Ditto	The same as for giving false evidence	Ditto
198	Using as a true certificate one known to be false in a material point	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
199	False statement made in any declaration which is by law receivable as evidence	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
200	Using as true any such declaration known to be false	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine	Ditto
201	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
201	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Bailable	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
202	Intentional omission to give information of an offence by a person legally bound to inform	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
203	Giving false information respecting an offence committed	Ditto	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
204	Secreting or destroying any document or electronic record to prevent its production as evidence	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
204A	Obstructing, preventing, perverting or defeating course of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
204B	Bribery of witnesses	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture or in satisfaction of a fine under sentence, or in execution of a decree	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
209	False claim in a court of justice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
211	False charge of offence made with intent to injure	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
211	If offence charged is punishable with death, or imprisonment for a term of 7 years or upwards	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
212	Harbouring an offender, if the offence is capital	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
212	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
212	If punishable with imprisonment for one year and not for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
213	Taking gift, etc., to screen an offender from punishment, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
213	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
213	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
214	Offering gift or restoration of property in consideration of the screening offender, if the offence is capital	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
214	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
214	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence is capital	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
216	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
216	If punishable with imprisonment for one year and not for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for a quarter of the longest term provided for the offence, or fine, or both	Ditto
216A	Harbouring robbers or gang-robbers	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
219	Public servant in a judicial proceeding corruptly making or pronouncing an order, a report, a verdict or a decision which he knows to be contrary to law	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence is capital	According as to whether arrest may be made without warrant for the offence or not	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
221	If punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Magistrate's Court or District Court
221	If punishable with imprisonment for less than 20 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice, if under sentence of death	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	
222	If under sentence of imprisonment for 20 years or upwards	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
222	If under sentence of imprisonment for less than 20 years, or lawfully committed to custody	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
223	Escape from confinement negligently suffered by a public servant	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
224	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
225	If charged with an offence punishable with imprisonment for life or imprisonment for 20 years	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
225	If charged with a capital offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
225	If the person is sentenced to imprisonment for 10 years or upwards	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
225	If under sentence of death	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine	
225A	Intentional omission to apprehend on the part of a public servant bound by law to apprehend any person in a case not provided for by section 221, 222 or 223	Ditto	Ditto	Bailable	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
225A	Negligent omission to do same	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
225B	Resistance or obstruction by a person to the lawful apprehension of himself or any other person in a case not otherwise provided for	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
225C	Illegal act or omission for which punishment is not provided	Shall not arrest without warrant	Summons	Ditto	Ditto	Fine*	Ditto
226	Unlawful return from banishment	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for the original term of banishment or expulsion, and fine	
227	Violation of condition of remission of punishment	Shall not arrest without warrant	Ditto	Ditto	Ditto	Punishment of original sentence, or, if part of the punishment has been undergone, the residue	
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	Ditto	Summons	Bailable	Ditto	Imprisonment for one year, or fine*, or both	The court in which the offence is committed, subject to the provisions of Chapter XXXII

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
229	Personation of an assessor	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

**CHAPTER XII — OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS**

231	Counterfeiting, or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and fine	District Court
232	Counterfeiting, or performing any part of the process of counterfeiting current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
233	Making, buying or selling instrument for the purpose of counterfeiting coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
234	Making, buying or selling instrument for the purpose of counterfeiting current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
235	If current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
236	Abetting in Singapore the counterfeiting out of Singapore of coin or current coin	Ditto	Ditto	Ditto	Ditto	The punishment provided for abetting the counterfeiting of such coin or current coin within Singapore	Ditto
237	Import or export of counterfeit coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
238	Import or export of counterfeits of current coin, knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
240	The same with respect to current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
241A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
243	Possession of current coin by a person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	District Court
246	Fraudulently diminishing the weight or altering the composition of any coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
247	Fraudulently diminishing the weight or altering the composition of current coin	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
249	Altering appearance of current coin with intent that it shall pass as a coin of a different description	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
250	Delivery to another of coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
251	Delivery of current coin possessed with the knowledge that it is altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
253	Possession of current coin by a person who knew it to be altered when he became possessed thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine*	Ditto
254A	Delivery to another of current coin as genuine which, when first possessed, the deliverer did not know to be altered	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	District Court
255	Counterfeiting a Government stamp	Ditto	Ditto	Bailable	Ditto	Imprisonment for 10 years, and fine	Ditto
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
258	Sale of counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
259	Having possession of a counterfeit Government stamp	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
260	Using as genuine a Government stamp known to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	Ditto
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
262	Using a Government stamp known to have been before used	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
263	Erasure of mark denoting that stamp has been used	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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**CHAPTER XIII — OFFENCES RELATING TO WEIGHTS AND MEASURES**

264	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
265	Fraudulent use of false weight or measure	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
266	Being in possession of false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
267	Making or selling false weights or measures for fraudulent use	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

**CHAPTER XIV — OFFENCES AFFECTING THE PUBLIC TRANQUILITY, PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS**

267B	Committing affray	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
267C	Making, printing, etc., document containing incitement to violence, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life	Ditto	Summons	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto
270	Malignantly doing any act known to be or likely to spread infection of any disease dangerous to life	Ditto	Warrant	Ditto	Ditto	Imprisonment for 4 years, or fine, or both	Ditto
271	Knowingly disobeying any quarantine rule	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
272	Adulterating food or drink intended for sale, so as to make the same noxious	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
273	Selling any food or drink as food and drink knowing the same to be noxious	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
277	Fouling the water of a public spring or reservoir	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
278	Making atmosphere noxious to health	Shall not arrest without warrant	Ditto	Ditto	Ditto	Ditto	Ditto
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant	Ditto	Ditto	Ditto	Ditto	Ditto
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
281	Exhibition of a false light, mark or buoy	Ditto	Warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life	Ditto	Summons	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
283	Causing danger, obstruction or injury in any public way or line of navigation	Ditto	Ditto	Ditto	Ditto	Fine*	Ditto
284	Dealing with any poisonous substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
286	Dealing with any explosive substance so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
287	Dealing with any machinery so as to endanger human life, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
288	Omitting to take order to guard against probable danger to human life by the fall of any building being pulled down or repaired	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
289	Omitting to take order with any animal in person's possession, so as to guard against danger to human life, or to grievous hurt, from that animal	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
290	Committing a public nuisance	Ditto	Ditto	Ditto	Ditto	Fine*	Ditto
291	Continuance of nuisance after injunction to discontinue	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine, or both	Ditto
292	Sale, etc., of obscene books, etc.	Ditto	Warrant	Ditto	Ditto	Imprisonment for 3 months, or fine, or both	Ditto
293	Sale, etc., of obscene objects to persons under the age of 21 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Ditto
294	Doing obscene act or reciting obscene song in a public place	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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**CHAPTER XV — OFFENCES RELATING TO RELIGION OR RACE**

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	May arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
296	Causing a disturbance to an assembly engaged in religious worship	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto
297	Trespassing in place of worship or sepulture, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person or causes any matter however represented to be seen or heard by that person, with intention to wound his religious or racial feeling	Shall not arrest without warrant	Ditto	Ditto	Compoundable by the person whose religious or racial feeling is intended to be wounded	Ditto	Ditto
298A	Promoting enmity between different groups on grounds of religion or race, and doing acts prejudicial to maintenance of harmony	Ditto	Ditto	Ditto	Not compoundable	Ditto	Ditto

## CHAPTER XVI — OFFENCES AFFECTING THE HUMAN BODY

*Offences affecting life*

302	Murder	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death	
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
304(a)	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine, or caning	
304(b)	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or caning, or any combination of such punishments	
304A(a)	Causing death by rash act	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
304A(b)	Causing death by negligent act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
305	Abetment of suicide committed by a child, or insane or delirious person or, an idiot, or a person intoxicated	Ditto	Ditto	Not bailable	Ditto	Death, or imprisonment for life, or imprisonment for 10 years, and fine	
306	Abetting the commission of suicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
307(1)	Attempt to murder	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
307(1)	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and caning, or fine, or both	
307(2)	Attempt by life-convict to murder, if hurt is caused	Ditto	Ditto	Ditto	Ditto	Death	
308	Attempt to commit culpable homicide not amounting to murder	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court
308	If hurt is caused to any person by such act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, or fine, or caning, or any combination of such punishments	
309	Attempt to commit suicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
311	Infanticide	Ditto	Ditto	Bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
<i>Causing miscarriage; injuries to unborn children; exposure of infants; and concealment of births</i>							
312	Causing miscarriage	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
312	If the woman is quick with child	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
313	Causing miscarriage without woman's consent	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
314	Death caused by an act done with intent to cause miscarriage	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
314	If act done without woman's consent	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
315	Act done with intent to prevent a child being born alive, or to cause the child to die after his birth	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
316	Causing death of a quick unborn child by an act amounting to culpable homicide	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
317	Exposure of a child under 12 years of age by parent or person having care of such child, with intention of wholly abandoning the child	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	
318	Concealment of birth by secret disposal of dead body	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	

*Hurt*

323	Voluntarily causing hurt	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person hurt	Imprisonment for 2 years, or fine*, or both	Magistrate's Court or District Court
324	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
325	Voluntarily causing grievous hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
326	Voluntarily causing grievous hurt by dangerous weapons or means	Ditto	Warrant	Not bailable	Ditto	Imprisonment for life, or imprisonment for 15 years, and fine, or caning	District Court
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine, or caning	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, and fine, or caning	Ditto
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
332	Voluntarily causing hurt to deter public servant from his duty	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Magistrate's Court or District Court
333	Voluntarily causing grievous hurt to deter public servant from his duty	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine, or caning	District Court
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person hurt	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 6 years, or fine*, or both	Ditto
336(a)	Doing any rash act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 6 months, or fine*, or both	Ditto
336(b)	Doing any negligent act which endangers human life or the personal safety of others	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 months, or fine*, or both	Ditto
337(a)	Causing hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Compoundable by the person hurt	Imprisonment for one year, or fine*, or both	Ditto
337(b)	Causing hurt by a negligent act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 6 months, or fine*, or both	Ditto
338(a)	Causing grievous hurt by a rash act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 4 years, or fine*, or both	Ditto



1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
<i>Criminal force and assault</i>							
352	Assault or use of criminal force otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
353	Assault or use of criminal force to deter a public servant from discharge of his duty	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 4 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
354(1)	Assault or use of criminal force to a person with intent to outrage modesty	Ditto	Ditto	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 2 years, or fine, or caning, or any combination of such punishments	Ditto
354(2)	If committed against any person under 14 years of age	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 5 years, or fine, or caning, or any combination of such punishments	Ditto
354A(1)	Voluntarily causing or attempting to cause death, hurt, etc., in committing the offence of outraging modesty	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and caning	District Court
354A(2)	If committed in a lift in any building or against any person under 14 years of age	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
355	Assault or use of criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person assaulted or to whom force was used	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
356	Assault or use of criminal force in committing or attempting to commit theft of property worn or carried by a person	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and caning	District Court
357	Assault or use of criminal force in attempting wrongfully to confine a person	Ditto	Ditto	Bailable	Ditto	Imprisonment for one year, or fine*, or both	Magistrate's Court or District Court
358	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant	Summons	Ditto	Compoundable by the person assaulted or to whom force was used	Imprisonment for one month, or fine*, or both	Ditto
<i>Kidnapping, abduction, slavery and forced labour</i>							
363	Kidnapping	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and fine, or caning	District Court
363A	Abduction	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or caning, or any combination of such punishments	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
364	Kidnapping or abducting in order to murder	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
364A	Kidnapping or abducting in order to compel the Government to do or abstain from doing any act	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and fine, or caning	
364A	Kidnapping or abducting in order to compel any person to do or abstain from doing any act	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine, or caning	
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	District Court
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
368	Concealing or keeping in confinement a kidnapped person	Ditto	Ditto	Ditto	Ditto	Punishment for kidnapping or abduction	District Court
369	Kidnapping or abducting a child with intent to take property from the person of such child	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto
370	Buying or disposing of any person as a slave	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, and fine	Ditto
371	Habitual dealing in slaves	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
372	Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
373	Buying or obtaining possession of a minor for the same purposes	Ditto	Ditto	Ditto	Ditto	Ditto	
373A	Importing woman by fraud with intent, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
374	Unlawful compulsory labour	Ditto	Ditto	Bailable	Compoundable by the person compelled to labour	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court

*Sexual offences*

375(2)	Rape	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 20 years, and fine, or caning	
375(3)(a)	If in order to commit or to facilitate the commission of an offence of rape, voluntarily causes hurt or puts a person in fear of death or hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
375(3)(b)	Rape of woman under 14 years of age without her consent	Ditto	Ditto	Ditto	Ditto	Ditto	
376(3)	Sexual assault by penetration	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
376(4)(a)	If in order to commit or to facilitate the commission of sexual assault by penetration, voluntarily causes hurt or puts a person in fear of death or hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
376(4)(b)	Sexual assault by penetration of person under 14 years of age without his or her consent	Ditto	Ditto	Ditto	Ditto	Ditto	
376A(2)	Sexual penetration of minor under 16 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376A(3)	Sexual penetration of minor under 14 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine, or caning	
376B(1)	Commercial sex with minor under 18 years of age	Ditto	Ditto	Bailable	Ditto	Imprisonment for 7 years, or fine, or both	District Court
376B(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376C(2)	Commercial sex with minor under 18 years of age outside Singapore	May arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
376C(2)	Communicating with a person for purpose of commercial sex with minor under 18 years of age outside Singapore	Shall not arrest without warrant	Summons	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
376D(3)	Tour outside Singapore for commercial sex with minor under 18 years of age	May arrest without warrant	Warrant	Not bailable	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376E(4)	Sexual grooming of minor under 16 years of age	Ditto	Summons	Bailable	Ditto	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
376F(2)	Procurement of sexual activity with a person with mental disability	Shall not arrest without warrant	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
376F(3)	If penetration is involved	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment for 10 years, or fine, or both	District Court
376G(3)	Incest by a man	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years	Ditto
376G(4)	Incest by a man with a woman under 14 years of age	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years	Ditto
376G(5)	Incest by a woman	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
377(2)	Sexual penetration of a corpse	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
377(4)	Causing another person to sexually penetrate a corpse	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 20 years, and fine, or caning	
377A	Outrages on decency	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years	Magistrate's Court or District Court
377B(2)	Sexual penetration with living animal	Ditto	Summons	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
377B(4)	Causing another person to sexually penetrate a living animal	Ditto	Warrant	Not bailable	Ditto	Imprisonment for 20 years, and fine, or caning	
377B(4)	Causing another person to be sexually penetrated by a living animal	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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## CHAPTER XVII — OFFENCES AGAINST PROPERTY

*Theft*

379	Theft	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Magistrate's Court or District Court
379A	Theft of motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto
380	Theft in a building, tent or vessel	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	Ditto
381	Theft by clerk or servant of property in possession of master or employer	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
382	Theft after preparation made for causing death or hurt in order to commit theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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*Extortion*

384	Extortion	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, and caning	Magistrate's Court or District Court
385	Putting or attempting to put in fear of harm, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and caning	Ditto
386	Extortion by putting a person in fear of death or grievous hurt	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	District Court
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
388	Extortion by threat of accusation of an offence punishable with death, or imprisonment for life, or imprisonment for 10 years	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine, or caning	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
389	Putting a person in fear of accusation of offence punishable with death, or imprisonment for life, or imprisonment for 10 years, in order to commit extortion	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

*Robbery and gang-robbery*

392	Robbery	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and caning	District Court
392	If committed after 7 p.m. and before 7 a.m.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto
393	Attempt to commit robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	Ditto
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	Ditto
395	Gang-robbery	Ditto	Ditto	Ditto	Ditto	Ditto	

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
396	Gang-robbery with murder	Ditto	Ditto	Ditto	Ditto	Death, or imprisonment for life, and caning	
397	Robbery when armed or with attempt to cause death or grievous hurt	Ditto	Ditto	Ditto	Ditto	Caning in addition to the punishment under any other section	
399	Making preparation to commit gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	
400	Belonging to a gang of persons associated for the purpose of habitually committing gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and caning	
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and caning	District Court
402	Being one of 5 or more persons assembled for the purpose of committing gang-robbery	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
<i>Criminal misappropriation of property</i>							
403	Dishonest misappropriation of movable property, or converting it to one's own use	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
404	If by clerk or person employed by deceased	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
<i>Criminal breach of trust</i>							
406	Criminal breach of trust	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 7 years, or fine, or both	Magistrate's Court or District Court
407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
408	Criminal breach of trust by a clerk or servant	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
409	Criminal breach of trust by public servant, or by banker, merchant or agent, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 20 years, and fine	Ditto

*Receiving stolen property*

411(1)	Dishonestly receiving or retaining stolen property, knowing it to be stolen	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
411(2)	If the stolen property is a motor vehicle or any component part thereof	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine, and disqualification for such period as the court may order from holding or obtaining a driving licence	Ditto
412	Dishonestly receiving or retaining stolen property, knowing that it was obtained by gang-robbery	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	





1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing, thereof, or dishonestly releasing any demand or claim to which he is entitled	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

*Mischief*

426	Mischief	Shall not arrest without warrant	Summons	Bailable	Compoundable when the only loss or damage caused is loss or damage to a private person by that private person	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
427	Mischief, and thereby causing damage to the amount of \$500 or upwards	Ditto	Warrant	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
428	Mischief by killing, poisoning, maiming or rendering useless, any animal	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 5 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
430	Mischief by causing diminution of supply of water for agricultural or industrial purposes, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
430A	Mischief affecting railway engine, train, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
431	Mischief by injury to public road, bridge, navigable river or channel, and rendering it impassable or less safe for travelling or conveying property	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
431A	Mischief by injury to telegraph cable, wire, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto
432	Mischief by causing inundation or obstruction to public drainage, attended with damage	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Ditto
433	Mischief by destroying or moving, or rendering less useful a lighthouse or sea-mark	Ditto	Ditto	Ditto	Ditto	Imprisonment for 7 years, or fine, or both	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
434	Mischief by destroying or moving, etc., a landmark fixed by public authority	Shall not arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for one year, or fine, or both	Magistrate's Court or District Court
435	Mischief by fire or explosive substance	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for 7 years, and fine	District Court
436	Mischief by fire or explosive substance with intent to destroy a house, etc.	Ditto	Ditto	Not bailable	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
438	The mischief described in section 437 when committed by fire or any explosive substance	Ditto	Ditto	Ditto	Ditto	Imprisonment for life, or imprisonment for 10 years, and fine	
439	Running vessel ashore with intent to commit theft, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
440	Mischief committed after preparation made for causing death or hurt, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
<i>Criminal trespass</i>							
447	Criminal trespass	May arrest without warrant	Summons	Bailable	Compoundable by the person in possession of the property trespassed upon	Imprisonment for 3 months, or fine*, or both	Magistrate's Court or District Court
448	House-trespass	Ditto	Warrant	Ditto	Ditto	Imprisonment for one year, or fine*, or both	Ditto
449	House-trespass in order to commit an offence punishable with death	Ditto	Ditto	Not bailable	Not compoundable	Imprisonment for life, or imprisonment for 10 years, and fine	
450	House-trespass in order to commit an offence punishable with imprisonment for life	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	
451	House-trespass in order to commit an offence punishable with imprisonment	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, and fine	Magistrate's Court or District Court
451	If the offence is theft	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 7 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
452	House-trespass, after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
453	Lurking house-trespass or house-breaking	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, and fine	Ditto
454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Ditto
454	If the offence is theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	District Court
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and caning	Ditto
456	Lurking house-trespass or house-breaking by night	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, and fine	Magistrate's Court or District Court
457	Lurking house-trespass or house-breaking by night in order to commit an offence punishable with imprisonment	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
457	If the offence is theft	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and fine	District Court
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 14 years, and caning	Ditto
458A	Committing an offence under section 454 or 457 subsequent to having been convicted of an offence under section 454, 455, 457 or 458	Ditto	Ditto	Ditto	Ditto	Caning in addition to the punishment prescribed for the offence	Ditto
459	Grievous hurt caused whilst committing lurking house- trespass or house-breaking	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and caning	
460	Death or grievous hurt caused by one of several persons jointly concerned in house- breaking by night, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years	
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto	Ditto	Bailable	Ditto	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	Ditto	Ditto	Ditto	Ditto	Imprisonment for 3 years, or fine, or both	Ditto

**CHAPTER XVIII — OFFENCES RELATING TO DOCUMENTS OR ELECTRONIC RECORDS, FALSE INSTRUMENTS,  
AND TO CURRENCY NOTES AND BANK NOTES**

465	Forgery	May arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment for 4 years, or fine, or both	Magistrate's Court or District Court
466	Forgery of a record of a court of justice or of a register of births, etc., kept by a public servant	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 10 years, and fine	District Court
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
468	Forgery for the purpose of cheating	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose	Ditto	Ditto	Bailable	Ditto	Imprisonment for 5 years, and fine	Magistrate's Court or District Court
471	Using as genuine a forged document or forged electronic record which is known to be forged	Ditto	Ditto	Ditto	Ditto	Punishment for forgery	The court by which the forgery of the document is triable
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 15 years, and fine	District Court

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
473A	Making or possessing equipment for making false instrument	Ditto	Ditto	Ditto	Ditto	Imprisonment for 5 years, or fine, or both	Magistrate's Court or District Court
473B	Making or possessing equipment for making false instrument with intent to induce prejudice	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	District Court
474	Having possession of a document or an electronic record knowing it to be forged, with intent to use it as genuine, if the document or electronic record is one of the description mentioned in section 466	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
474	If the document is one of the description mentioned in section 467	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
476	Counterfeiting a device or mark used for authenticating documents or electronic records other than those described in section 467, or possessing counterfeit marked material	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, and fine	Ditto
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years, and fine	Ditto
477A	Falsification of accounts by clerk or servant	Ditto	Ditto	Ditto	Ditto	Imprisonment for 10 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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*Currency notes and bank notes*

489A	Forging or counterfeiting currency notes or bank notes	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 20 years, and fine	
489B	Using as genuine forged or counterfeit currency notes or bank notes	Ditto	Ditto	Ditto	Ditto	Ditto	
489C	Possession of forged or counterfeit currency notes or bank notes, with intent	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years	
489D	Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes	Ditto	Ditto	Ditto	Ditto	Imprisonment for 20 years, and fine	

CHAPTER XX — OFFENCES RELATING TO MARRIAGE

493	A man by deceit causing a woman not lawfully married to him, to believe that she is lawfully married to him, and to cohabit with him in that belief	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for 10 years, and fine	District Court
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

**CHAPTER XXII — CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE**

504	Insult intended to provoke a breach of the peace	Shall not arrest without warrant	Summons	Bailable	Compoundable by the person insulted	Imprisonment for 2 years, or fine, or both	Magistrate's Court or District Court
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace	Ditto	Warrant	Not bailable	Not compoundable	Imprisonment for 3 years, or fine, or both	Ditto
506	Criminal intimidation	May arrest without warrant	Ditto	Bailable	Compoundable by the person intimidated	Imprisonment for 2 years, or fine, or both	Ditto
506	If threat is to cause death or grievous hurt, etc.	Ditto	Ditto	Ditto	Not compoundable	Imprisonment for 10 years, or fine, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
507	Criminal intimidation by anonymous communication or having taken precaution to conceal from where the threat comes	Ditto	Ditto	Not bailable	Ditto	Imprisonment for 2 years, in addition to the punishment under section 506	Ditto
508	Act caused by inducing a person to believe that he will be rendered an object of divine displeasure	Shall not arrest without warrant	Ditto	Bailable	Ditto	Imprisonment for one year, or fine, or both	Ditto
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	Ditto	Summons	Ditto	Compoundable by the woman insulted	Ditto	Ditto
510	Appearing in a public place, etc., in a state of intoxication, and causing annoyance to any person	May arrest without warrant	Ditto	Ditto	Not compoundable	Imprisonment for 6 months, or fine*, or both	Ditto

1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
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## CHAPTER XXIII — ATTEMPTS TO COMMIT OFFENCES

511	Attempting (where no express provision is made by the Penal Code or by other written law) to commit offences punishable with imprisonment or fine or with a combination of such punishments (other than imprisonment for life), and in such attempt doing any act towards the commission of the offence	According as to whether the offence is one in respect of which the police may arrest without warrant or not	According as to whether the offence is one in respect of which a summons or warrant shall ordinarily issue	According as to whether the offence contemplated by the offender is bailable or not	Compoundable when the offence attempted is compoundable	The punishment provided for the offence, provided that any term of imprisonment shall not exceed one-half of the longest term provided for the offence	The court by which the offence attempted is triable
511	If the attempted offence is punishable with imprisonment for life	Ditto	Ditto	Ditto	Ditto	Imprisonment for 15 years	Ditto

## OFFENCES AGAINST LAWS OTHER THAN THE PENAL CODE

	If punishable with death, imprisonment for 7 years or upwards	May arrest without warrant	Warrant	Not bailable	Not compoundable	According to sections 9 and 12 of this Code	
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1 Penal Code Section	2 Offence	3 Whether the police may ordinarily arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance	5 Whether bailable of right or not	6 Whether compoundable or not	7 Maximum punishment under the Penal Code	8 By what court triable besides the High Court
	If punishable with imprisonment for 3 years or upwards but less than 7 years	Ditto	Ditto	Ditto	Ditto	According to sections 9 and 12 of this Code	
	If punishable with imprisonment for less than 3 years	Shall not arrest without warrant unless specifically empowered to do so by the law offended against	Summons	Bailable	Ditto	According to sections 9 and 12 of this Code	
	If punishable with fine only	Ditto	Ditto	Ditto	Ditto	According to sections 9 and 12 of this Code	

## SECOND SCHEDULE

Sections 18(3), 199(1) and (2) and 361(1)

## OFFENCES THAT MAY BE COMPOUNDED BY VICTIM

## Penal Code Offences

## CHAPTER V — ABETMENT

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	Compoundable by the victim if the Penal Code or other written law under which the offence is committed provides for the offence to be compoundable by the victim.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
115	Abetment of an offence punishable with death or imprisonment for life, if the offence is not committed in consequence of the abetment.	Ditto
116	Abetment of an offence punishable with imprisonment, if the offence is not committed in consequence of the abetment.	Ditto
116	If the abettor or the person abetted is a public servant whose duty it is to prevent the offence.	Ditto
117	Abetting the commission of an offence by the public, or by more than 10 persons.	Ditto
118	Concealing a design to commit an offence punishable with death or imprisonment for life, if the offence is committed.	Ditto
118	If the offence is not committed.	Ditto
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence is committed.	Ditto

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
119	If the offence is punishable with death or imprisonment for life.	Ditto
119	If the offence is not committed	Ditto
120	Concealing a design to commit an offence punishable with imprisonment, if the offence is committed.	Ditto
120	If the offence is not committed.	Ditto

## CHAPTER XV — OFFENCES RELATING TO RELIGION

298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feeling.	Compoundable by the person whose religious feeling is intended to be wounded.
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## CHAPTER XVI — OFFENCES AFFECTING THE HUMAN BODY

323	Voluntarily causing hurt	Compoundable by the person hurt.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Compoundable by the person hurt.

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Compoundable by the person hurt.
337	Causing hurt by an act which endangers human life, etc.	Compoundable by the person hurt.
338	Causing grievous hurt by an act which endangers human life, etc.	Compoundable by the person hurt.
341	Wrongfully restraining any person.	Compoundable by the person wrongfully restrained.
342	Wrongfully confining any person.	Compoundable by the person wrongfully confined.
352	Assault or use of criminal force otherwise than on grave and sudden provocation.	Compoundable by the person assaulted or to whom force was used.
354	Assault or use of criminal force to a person with intent to outrage modesty.	Compoundable by the person assaulted or to whom force was used.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Compoundable by the person assaulted to whom force was used.
358	Assault or use of criminal force on grave and sudden provocation.	Compoundable by the person assaulted or to whom force was used.

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
374	Unlawful compulsory labour.	Compoundable by the person compelled to labour.

## CHAPTER XVII — OFFENCES AGAINST PROPERTY

426	Mischief	Compoundable by the private person who suffers loss or damage.
427	Mischief, and thereby causing damage to the amount of \$25 or upwards.	Compoundable by the private person who suffers loss or damage.
447	Criminal trespass	Compoundable by the person in possession of the property trespassed upon.
448	House trespass	Compoundable by the person in possession of the property trespassed upon.

## CHAPTER XX — OFFENCES RELATING TO MARRIAGE

498	Enticing or taking away or detaining with a criminal intent a married woman.	Compoundable by the husband or the woman.
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## CHAPTER XXI — DEFAMATION

500	Defamation	Compoundable by the person defamed.
501	Printing or engraving matter knowing it to be defamatory.	Ditto

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto

**CHAPTER XXII — CRIMINAL INTIMIDATION,  
INSULT AND ANNOYANCE**

504	Insult intended to provoke a breach of the peace.	Compoundable by the person insulted.
506	Criminal intimidation except where threat is to cause death or grievous hurt, etc.	Compoundable by the person intimidated.

**CHAPTER XXIII — ATTEMPTS TO COMMIT OFFENCES**

511	Attempting (where no express provision is made by the Penal Code or by other written law) to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	Compoundable when the offence under the Penal Code or any other written law that is attempted is compoundable by the victim.
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***Offences under Miscellaneous Offences (Public Order and Nuisance) Act***

**PART II – OFFENCES AGAINST PUBLIC ORDER AND NUISANCE**

11(1)(a)	Nuisance — affixing or causing to be affixed any advertisement etc, or writing, defacing or marking on any building, wall or fence being private property.	Compoundable by owner or occupier of the private property.
11(1)(c)	Nuisance — obstructing or causing trouble or inconvenience to any person bathing at place set aside as bathing place.	Compoundable by person obstructed etc.

1 <i>Penal Code section</i>	2 <i>Offence</i>	3 <i>When compoundable/By whom compoundable</i>
11(1)(g)	Nuisance — setting on or urging any dog or other animal to attack, worry or put in fear any person.	Compoundable by person attacked, worried or put in fear.
12(1)(b)	Offences relating to animals — allowing animal to stray upon, or tethers or pickets any animal on land in possession of any private person.	Compoundable by owner of lawful occupier of land.
13A	Intentional harassment, alarm or distress	Compoundable by person harassed, alarmed or distressed.
13C	Fear or provocation of violence	Compoundable by person towards whom threatening, abusive or insulting words were used, or to whom threatening, abusive or insulting writing, sign or other visible representation was distributed or displayed.
<i>Section</i>	<i>Offence</i>	<i>Explanatory Note</i>
17	Penalty for depositing corpse or dying person in any private place	Compoundable by owner of private place.

## PART V — TOUTING

32	Touting for business	Compoundable by person solicited.
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EXPLANATORY STATEMENT

jk/CPC Bill 2009-3 (LJH Cd 5) (jc 3.12.08)