

# **PENAL CODE**

## **(Chapter 3)**

*4<sup>th</sup> September 2004.*



### CHAPTER 3

#### False Evidence, false oath and offences against *Shari'ah* and Law

False Evidence

62. A person is said to give false evidence when:
- In any investigation or any matter carried out under the authority of *Shari'ah* or Law or by a person authorized to carry out such investigation or matter under the *Shari'ah* or Law to make an untrue declaration upon any such subject or to make a declaration hoping that it is or ought to be true or making a declaration not knowing or not confirming the true or untrue nature of that subject matter. Any document, thing, gesture, writing, deletion or any other thing done which in an investigation or matter conducted under the authority of the Law or by a person authorized by such *Shari'ah* or Law used or is likely to be used in any such proceeding and any person involved in such investigation or matter, any responsible official or judge makes a false opinion about the matter, or forms an erroneous understanding or opinion or decides the matter based on such erroneous opinion, and if such act could be reasonably construed to be likely under those circumstances giving of such declaration shall also be considered as giving false evidence. And where a person signs a document as a witness while there is an untrue statement in that document and signs the document as a true document and depending upon how such document maybe used subsequently the person who signs that document can be considered to have given false evidence. This shall be determined by the judge.



- Penalty for giving false evidence
63. Whoever gives false evidence shall be punished with imprisonment not exceeding 1 year or subjected to fine not exceeding Mrf. 1,000.00 or exile or house detention not exceeding 2 years.
- Where a conviction of a capital offence is made based upon false evidence and where such sentence is executed
64. Where based upon false evidence an innocent person is convicted of capital offence and such sentence is executed under the Law for the time being in force or under the *Shari'ah*, and it is subsequently established that the evidence given was given intentionally and falsely, the person giving that evidence shall be subjected to the most severe punishment under Islamic Law for that offence.
- If the sentence is not executed
- However if such evidence is established to be false prior to the execution of that sentence on capital offence, the person giving false evidence shall be subjected to exile or imprisonment between 1 year and 4 years or to a fine between Mrf. 500.00 and Mrf. 4,000.00.
- Where a person is exiled or imprisoned for a period exceeding 7 years based upon false evidence
65. Where a person is convicted upon false evidence and a sentence has been awarded for a period exceeding 7 years for exile or imprisonment and where it is established subsequently that the evidence given was given intentionally and falsely to procure such punishment the person giving such false evidence shall be subjected to a period of punishment equivalent to the period served already by the person falsely convicted and 2 years which ever maybe greater between these two periods.



- Submission of untrue certificates in judicial proceedings
66. Where a person is bound by *Shari'ah* or Law to state the truth or where before a person authorized under the *Shari'ah* or Law an untrue certificate or document is intentionally submitted upon any relevant subject that shall amount to giving false evidence, such offender shall be subjected to exile or imprisonment for a period not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- False information is false evidence
67. Where an untrue document or certificate is submitted as evidence knowing it to be false or not genuine that shall also amount to false evidence.
- And submission of a certificate or a document while it has a material point which is not genuine or untrue shall also amount to submission of false evidence. And that shall be the same where such a document is submitted without ascertaining its true nature.
- False oath
68. False oath for the purposes of this Law shall mean where the claimant is bound to give an oath in circumstances where he does not have any evidence to prove the claim instituted by him or where an oath is given by the defendant in accordance with the principals of *Shari'ah*, where such oath is made before a judge in the name of god and on untrue premise.
- Penalty for giving false Oath
69. Whoever makes a false oath shall be subjected to a punishment of imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00 or exile not exceeding 2 years.



- Concealment of evidence in relation to a capital offence
70. Where whoever in a proceedings of a capital offence conceals any evidence of the commission of the offence or does any act that prevents any person searching for such evidence to fail in his endeavor or makes a statement with the intention to conceal or to deceive such evidence shall be subjected to a punishment of exile or imprisonment between a period of 2 years and 4 years or to a fine between Mrf. 300.00 and Mrf. 4,000.00.
- Concealing evidence relating to offence for which punishment is a period of imprisonment or jail exceeding 10 years
71. Whoever conceals or does any act to prevent such evidence from being produced in relation to an offence for which the punishment prescribed is life imprisonment or life exile or exile or imprisonment for a period exceeding 10 years shall be subjected to exile or imprisonment for a period not exceeding 3 years or to a fine between Mrf. 200.00 and Mrf. 2,000.00
72. This section is repealed by Law no. 1/66 Maldives penal Code Chapter 3, 8<sup>th</sup> Amending Act. on 20-9-2001.
- Concealment or destruction of document required for justice
73. Whoever conceals, destroys, puts fire on or loses a document that is required before Judicial proceedings or before a responsible official authorized by Law for the purposes of administering justice and where it is done in defense of the offender or offenders shall be subjected to a punishment of exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 500.00.
- Transfer of one's own property knowing it can be forfeited by court or knowing such
74. Whoever conceals any property or any document relating to that property or destroys it or transfers its ownership to another person knowing that such property maybe forfeited or such forfeiture is likely during proceedings before a court or a competent legal authority, he shall be



- forfeiture maybe  
likely
- subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 500.00 or subjected to fine and imprisonment or fine and exile.
- Making false charge 75. Whoever institutes a claim against another person with the intention to cause inconvenience, loss or injury to that person without lawful ground shall be subjected to a fine not exceeding Mrf. 200.00.
- Harboring offenders 76. Harboring or concealing an offender for the purposes of screening him from legal punishment is an offence. In this regard:
- a. Whoever harbors or conceals an offender who has committed an offence punishable with death shall be subjected to a punishment of exile or imprisonment between 2 years and 4 years or a fine not exceeding Mrf. 2,000.00.
  - b. Whoever harbors or conceals an offender who has committed an offence punishable with exile or imprisonment exceeding 10 years shall be subjected to a punishment of exile or imprisonment between 1 year and 3 years or a fine not exceeding Mrf. 1,000.00.
  - c. Whoever harbors or conceals an offender who has committed an offence punishable with jail or exile for a period between 1 year and 10 years shall be subjected to a punishment of exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 500.00.



- d. A person who harbors or conceals his own father, mother, son or daughter, child, wife or husband shall not be guilty as provided in this Section.
- Taking reward for screening an offender 77. a. A person who harbors or conceals an offender as provided in Section 76 a. and there after accepts or agrees to accept or attempts to obtain any reward, gift or money or bribe in relation to such act shall be subjected in addition to the punishments provided in that Section to a punishment of exile or imprisonment not exceeding 1 year.
- b. Whoever accepts to give or whoever gives or insists upon giving to the other any gratification specified in Section a. shall be subjected to a punishment of exile or imprisonment not exceeding 1 year in respect of various punishments specified for various categories of assistance as provided in Section 76.
- Harboring offender who has escaped from custody 78. He shall be punished who conceals an offender who is convicted and serving a custodial sentence and escapes from such custody with a contrary to Law or a regulation or does not give notice of such person to the competent authority charged with his apprehension or fails to exert himself to give notice of such person to the relevant government authority.
- Harboring or concealing offender sentenced to death a. Where the offender who has escaped from custody is subjected to a punishment of death, a person who provides any assistance as provided above

shall be subjected to a punishment of exile or imprisonment between 2 years and 5 years.

Concealing or harboring offender imprisoned for 10 or more years

b. Where the offender who has escaped from custody is subjected to a punishment that exceeds punishment of exile or imprisonment that exceeds a period of 10 years the person who provided the assistance as provided above shall be subjected to exile or imprisonment between 1 year and 3 years.

Concealing or harboring offender imprisoned or exiled between 1 to 10 years

c. Where the offender who has escaped from custody is subjected to a punishment of exile or imprisonment between 1 year and 10 years, the person who has provided any assistance as provided above shall be subjected to a punishment of exile or imprisonment not exceeding 1 year.

79. It shall be an offence for a person to falsely personate another before a person or persons authorized by *Shari'ah* or Law and in such assumed character to make any statement or admission or to conduct or cause to conduct any act considered to be valid under *Shari'ah* or Law does or cause to do any act in any suite or criminal prosecution or part thereof.

A person guilty of such offence shall be subjected to an exile or imprisonment not exceeding 3 years or house detention not exceeding 1 year or a fine not exceeding Mrf. 500.00.





- Public servant committing unlawful act to mitigate person's punishment
80. Every public servant who commits an unlawful act for the purposes of saving a person from punishment or to mitigate the sentence awarded in respect of an offence committed by that person, he shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- Where any steps taken by public servants contrary to Law are suitable to facilitate prevention of punishment of an offender or mitigation of his punishment, such steps taken by public servants shall fall within the purview of this section. Any intentional alteration made by a public servant to a document of *Shari'ah* or Law is also included within this Section.
- Public servant using authority to arrest or detain innocent persons
81. It shall be an offence for any public servant by reason of the authority of office he is in to detain to arrest or detain in a manner contrary to Law innocent persons. Person guilty of this offence shall be subjected to exile or imprisonment for a period not exceeding 3 years or a fine not exceeding Mrf. 2,000.00
- Persons under detentions in confinement escaping or absconding due to negligence of public servant
82. It is an offence for a public servant who is legally bound to apprehend or to keep him in confinement by reason of *Shari'ah* or Law or where he is legally bound to keep persons in confinements who such person not to be apprehended due to his negligence or to escape or abscond from custody due to his negligence
- a. Where the person who absconded or escaped from custody or to be apprehended, is a person that needs to be apprehended under a charge for homicide or suffers a sentence of death or is



convicted of capital punishment, the negligent servant shall be subjected to exile or imprisonment not exceeding 5 years or to a fine not exceeding Mrf. 3,000.00.

- b. Where that person is convicted of an offence for which the sentence is exile or imprisonment exceeding 10 years or is suffering such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligent servant shall be subjected to exile or imprisonment not exceeding 3 years or to a fine not exceeding Mrf. 2,000.00.
- c. Where that person is convicted of an offence for which the sentence is exile or imprisonment not exceeding 10 years or is suffering such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligence servant shall be subjected to exile or imprisonment not exceeding 1 year or to a fine not exceeding Mrf. 1,000.00.
- d. Offenders convicted in their absential are also included within this section.

Obstruction to arrest      83.  
or detain offender

- a. Whoever resists to the lawful apprehension of himself or another person or persons for any offence of which he is accused shall be subjected to a punishment of exile or imprisonment not exceeding 1 year or fine not exceeding Mrf. 1,000.00.



- b. Whoever obstructs, arrest or detention of a person who is serving a sentence of exile or imprisonment for a period exceeding 10 years or charged with or accused of an offence for which such punishment is applicable shall be subjected to exile or imprisonment not exceeding 4 years or fine not exceeding Mrf. 1,500.00.
- c. Where the obstruction is towards one's own arrest or detention, he shall also suffer the punishment for obstruction of detention or arrest in addition to suffering a punishment for the offence with which he is charged.

Return of an offender exiled for life in contravention of Law.

84. Where an offender while being exiled for life returns prior to him being directed to return in accordance with *Shari'ah* or Law shall be subjected to a punishment of rigorous imprisonment for 1 year and on having served that punishment, shall be subjected to exile for completion of his previous sentence.

Interruption of lawful judicial or legal proceedings

- 85. a. Whoever commits an act that is likely to interrupt or cause inconvenience to judicial or legal proceedings lawfully being conducted (except committing assault on the judge, person in his office or his officer) and does that act in contravention of Law and with intention or after having given a warning shall be subjected to a fine not exceeding Mrf. 500.00.
- b. Where any act specified in Sub-section a. was committed intentionally involving assault on the judge, his officer or staff, the offender shall be



subjected to exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00.

- c. Where any acts specified in Sub-section a. was committed intentionally involving assault on the judge, or judges the offender shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,500.00
- d. Where an act specified in Sub-section a., b. and c. were committed being armed with a sword, a gun, sharp object or any other thing which if used as a weapon of offence can be likely to cause death of a person, then the offence mentioned in each of those Sub-sections shall be multiplied by three times and so shall be multiplied the punishment given in respect thereof.

Obstructing public  
servant in discharge  
of his functions

- 86. a. Whoever intentionally obstructs the due discharge of functions by a public servant except committing assault or injury to him shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or fine not exceeding Mrf. 1,000.00.
- b. Where the due discharge of public functions by a public servant was obstructed by committing assault or causing injury to him, his wife, his child, his mother, his father or to a relative or to his property or by threatening to cause such act, the offender shall be subjected to exile or imprisonment not exceeding 2 years or fine not



exceeding Mrf. 1,000.00.

Failure to assist  
public servant  
authorized by  
Shari'ah or Law

87. a. Whoever being bound by *Shari'ah* or Law to render or furnish assistance to any public servant in execution of his public duty or functions intentionally shall be subjected to punishment of exile or imprisonment not exceeding 6 months or fine not exceeding Mrf. 500.00
- b. Where such assistance was required in relation to administration of justice or to prevent or disperse an unlawful assembly or for the purposes of maintaining public order or in accordance with any order or directive of the state, the person who fail to offer such assistance shall be subjected to exile or imprisonment not exceeding 2 years or fine not exceeding Mrf. 1,000.00.

Disobedience to  
order authorized by  
*Shari'ah* or Law

88. a. It is an offence to disobey an order issued lawfully within the *Shari'ah* or Law, person guilty of this offence shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or fine not exceeding Mrf. 150.00.
- b. Where such disobedience resulted in loss or injury to a person's body, property or a sense, the offender shall be subjected to exile or imprisonment not exceeding 1 year or fine not exceeding Mrf. 250.00.



- c. Where such disobedience is likely to cause death of a person, the offender shall be subjected to exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.
- d. Where such disobedience resulted in the death of a person the offender shall be subjected to punishment described by Islamic Law.

“Injury” 89. “Injury” shall mean, loss suffered by a person in contravention of Law and caused to him, his body or to his property except in “grievous hurt”.

This Law shall come into effect from 1 January 1967.

