

the act is likely to cause death.

Act done with Intent to prevent a child being born alive or to cause it to die after birth.

306. Whoever, before the birth of any child, does any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Causing death of a quick unborn child by an act amounting to culpable homicide.

307. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused, A is guilty of the offence defined in this section.

Exposure and abandonment of a child under twelve years by parent or Person having care of it.

308. Whoever, being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation

This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be. if the child die in consequence of the exposure.

Cruelty to children.

308A.

[3, 22 of 1995]

[4, 16 of 2006]

(1) Whoever, having the custody, charge or care of any person under eighteen years of age, willfully assaults, ill-treats, neglects, or abandons such person or causes or procures such person to be assaulted, ill-treated, neglected, or abandoned in a manner likely to cause him suffering or injury to health (including injury to, or loss of, sight or hearing, or limb or organ of the body or any mental derangement), commits the offence of cruelty to children.

(2) Whoever commits the offence of cruelty to children shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine and be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.

Explanation :

"injuries" includes psychological or mental trauma

Concealment of birth by secret disposal of dead body.

309. Whoever, by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavors to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

OF HURT

Cause hurt".

310. Whoever causes bodily pain, disease, or infirmity to any person is said to "cause hurt".

Grievous hurt .
[4, 22 of 1995]

311. The following kinds of hurt only are designated as "grievous" ; -

- (a) emasculation;
- (b) permanent privation or impairment of the sight of either eye;
- (c) permanent privation or impairment of the hearing of either ear ;
- (d) privation of any member or joint;
- (e) destruction or permanent impairment of the powers of any member or joint;
- (f) permanent disfiguration of the head or face ;
- (g) cut or fracture, of bone, cartilage or tooth or dislocation or sublimation, of bone, joint or tooth;
- (h) any injury which endangers life or if consequence of which an operation involving the opening of the thoracic, abdominal or cranial cavities is

performed;

(i) any injury which causes the sufferer to be in severe bodily pain or unable to follow his ordinary pursuits, for a period of twenty days either because of the injury or any operation necessitated by the injury.'

" Voluntarily causing hurt".

312. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said " voluntarily to cause hurt".

" Voluntarily causing grievous hurt".

313. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said " voluntarily to cause grievous hurt".

Explanation

A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A. intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

Punishment for voluntarily causing hurt.

314. Whoever, except in the case provided for by section 325, voluntarily causes hurt shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Voluntarily causing hurt by dangerous weapons or means.

315. Whoever, except in the case provided for by section 325, voluntarily causes hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for voluntarily causing grievous hurt.

316. Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping.

Voluntarily causing grievous hurt by dangerous weapons or means.

317. Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping.

Voluntarily causing hurt to extort property, or to constrain to an illegal act.

318. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing hurt by means of poison. &c, with intent to commit an offence.

319. Whoever administers to, or causes to be taken by any person any poison or any stupefying, intoxicating, or unwholesome drug or other thing, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence, or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.

320. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal, or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Voluntarily

causing hurt to extort confession or to compel restoration of property.

321. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(d) A, a landowner, tortures his tenant in order to compel him to pay his rent. A is guilty of an offence under this section.

Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.

322. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty.

323. Whoever voluntarily causes hurt to any person, being a public servant in the discharge of his duty as such public servant, with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty.

324. Whoever voluntarily causes grievous hurt to any person, being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt on provocation.

325. Whoever voluntarily causes hurt grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Voluntarily causing grievous hurt on provocation.

326. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.

Explanation

Sections 325 and 326 are subject to the same provisos as exception 1, section 294.

Punishment for act which endangers life or the personal safety of others.

327. Whoever does any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Causing hurt by an act which endangers life or the personal safety others .

328. Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Causing grievous hurt by act which endangers life or the personal safety of others.

329. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT

"Wrongful restraint".

330. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said " wrongfully to restrain " that person.

Exception.- The obstruction of a private way over land or water, which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

"Wrongful confinement".

331. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits is said " wrongfully to confine " that person.

Illustrations

(a) A causes 1 to go within a walled space and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

Punishment for wrongful restraint.

332. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which extend to fifty rupees, or with both.

Punishment for wrongful confinement.

333. Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Wrongful confinement for three or more days.

334. Whoever wrongfully confines any person for three days or more shall be for there punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Wrongful confinement for ten or more days .

335. Whoever wrongfully confines any person for ten days or more shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine .

Wrongful confinement of person for whose liberation a writ has been issued.

336. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any term of imprisonment to which he may be liable under any other section of this Code.

Wrongful confinement secret.

337. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement.

Wrongful confinement for the purpose of extorting property, or constraining to an illegal act.

338. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession, or of completing restoration of property.

339. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

OF CRIMINAL FORCE AND ASSAULT

Force.

340. A person is said to use force to another if he causes motion, change of motion, or

cessation of motion to that other, or if he causes to any substance such motion or change of motion or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion or change of motion or cessation of motion causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described-

Firstly- By his own bodily power.

Secondly- By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part or on the part of any other person.

Thirdly- By inducing any animal to move, to change its motion, or to cease to move.

" Criminal force".

341. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending illegally by the use of such force to cause, or knowing it to be likely that by the use of such force he will illegally cause injury, fear, or annoyance to the person to whom the force is used, is said to use " criminal force " to that other.

Illustrations

(a) t is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(c) Z is riding in a palanquin. A intending to rob Z seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has there used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will thus be brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling. A has therefore intentionally used force to Z, and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

(i) A, a schoolmaster, in the reasonable exercise of his discretion as master, flogs B, one of his scholars. A does not use criminal force to B, because, although A intends to cause fear and

annoyance to B, he does not use force illegally.

'Assault '.

342. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit " an assault " .

Explanation

Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, " I will give you a beating ". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to assault.

Punishment for using criminal force otherwise than on grave and sudden provocation.

343. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty rupees, or with both,

Explanation

Grave and sudden provocation will not mitigate the punishment for an offence under this section,

if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence; or

if the provocation is given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant; or

if the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Using criminal force to deter a public servant from discharge of his duty.

344. Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty, as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Sexual harassment.
[5,22 of 1995]
[5,16 of 2006]

345. Whoever, by assault or use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person commits the offence of sexual harassment and shall on conviction be punished with imprisonment of either description for a term which may extend to five years or with fine or with both and may also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.

EXPLANATION

1. Unwelcome sexual advances by words or action used by a person in authority, to a working place or any other place, shall constitute the offence of sexual harassment.

2. For the purposes of this section an assault may include any act that does not amount to rape under section 363 or grave sexual abuse under section 365B.

3. "injuries" includes psychological or mental trauma.

Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.

346. Whoever assaults or uses criminal force to any person intending thereby to dishonour that person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person.

347. Whoever assaults or uses criminal force to any person in attempting to commit theft of any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt wrongfully to confine person.

348. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be confine person, punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Assaulting or using criminal force on grave and sudden provocation.

349. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Explanation

Section 349 is subject to the same explanation as section 343.

OF KIDNAPPING, ABDUCTION, SLAVERY, ETC.

Kidnapping.

350. Kidnapping is of two kinds-

kidnapping from Sri Lanka, and

kidnapping from lawful guardianship.

"Kidnapping Sri Lanka".

351. Whoever conveys any person beyond the limits of Sri Lanka without the consent of that person or of some person legally authorized to consent on behalf of that person, is said to "kidnap that person from Sri Lanka".

"Kidnapping from lawful guardianship".

352. Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to "kidnap such minor or person from lawful guardianship".

Explanation

The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception

This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child," or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

"Abduction".

353. Whoever by force compels, or by any deceitful means, or by abuse of authority or any other means of compulsion, induces any person to go from any place, is said to "abduct" that person.

Punishment for kidnapping.

354. Whoever kidnaps any person from Sri Lanka or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting in order to murder.

355. Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from Sri Lanka, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

Kidnapping or abducting with intent secretly and wrongfully to confine a person.

356. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Kidnapping or abducting a woman to compel her marriage, &c.

357. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that

she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.

358. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Debt bondage, serfdom, forced or compulsory labour, slavery and recruitment of children for use in armed conflict.

[7,16 of 2006]

358A.

(1) Any person who -

- (a) subjects or causes any person to be subjected to debt bondage or serfdom ;
- (b) subjects or causes any person to be subjected to forced or compulsory labour ;
- (c) subjects or causes any person to be subjected to slavery ; or
- (d) engages or recruits a child for use in armed conflict,

shall be guilty of an offence.

(2) Any person who is guilty of an offence under paragraph (a), (b) or (c) of subsection (1), shall on conviction be liable to imprisonment of either description for a term not exceeding twenty years and to a fine. Where the offence is committed under paragraphs (a), (b) or (c) of subsection (1) in relation to a child or where the offence is committed under paragraph (d) of subsection (1), be liable to imprisonment of either description for a term not exceeding thirty years and to a fine.

(3) In this section -

"debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not set - off against the debt and the length and nature of those services are undefined;

"forced or compulsory labour" means all work or service which is exacted from a person under the threat of any penalty and for which such person has not offered himself voluntarily, except-

- (a) any work or service exacted by virtue of any law for the time being relating to compulsory military service in relation to work or service of a purely military character ;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a punishment imposed by a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to be or placed, at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic of epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor services of a kind which, being performed by the members of the community in the direct interests of the said community, and thereby considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services;

"serfdom" means the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person whether for reward or not and is not free to change his status ;

"slavery" means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised; and

"child" means a person under eighteen years of age.

Wrongfully concealing or keeping in confinement a kidnapped person.

359. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in

confinement.

Kidnapping or abducting a child under ten years with intent to steal movable property from the person of such child.

360. Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Procreation.
[7,22 of 1995]
[5,29 of 1998]

360A. Whoever-

(1) procures, or attempts to procure, any person, whether male or female of whatever age (whether with or without the consent of such person) to become, within or outside Sri Lanka, prostitute;

(2) procures, or attempts to procure, any person, under sixteen years of ages to leave Sri Lanka with or without the consent of such person) with a view to illicit sexual intercourse with any person outside Sri Lanka, or removes, or attempts to remove, from Sri Lanka any such person (whether with or without the consent of such person) for the said purpose;

(3) procures, or attempts to procure, any person of whatever age, to leave Sri Lanka (whether with or without the consent of such person) with intent that such person may become the inmate of, or frequent, a brothel elsewhere, or removes, or attempts to remove, from Sri Lanka any such person (whether with or without the consent of such person) for the said purpose;

(4) brings, or attempts to bring, into Sri Lanka any person under sixteen years of age with a view to illicit sexual intercourse with any other person, in Sri Lanka or outside Sri Lanka;

[5,29 of 1998] (5) procures, or attempts to procure, any person of whatever age (whether with or without the consent of such person) to leave such persons usual place of abode in Sri Lanka with a view to illicit sexual intercourse within or outside Sri Lanka;

[5,29 of 1998] (6) detains any person without the consent of such person in any premises with a view to illicit sexual intercourse or sexual abuse.

Commits the offence of procreation and shall on conviction be punished with imprisonment of either description for a term of not less than two years and not exceeding ten years and may also be punished with a fine.

Sexual exploitation of children.
[8, 22 of 1995]

360B.

(1) Whoever-

(a) knowingly permits any child to remain in any premises for the purpose of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;

(b) acts as a procurer of a child for the purposes of sexual intercourse or for any form of sexual abuse;

(c) induces any person to be a client of a child for sexual intercourse or for any form of sexual abuse, by means of print or other media, oral advertisements or other similar means;

(d) takes advantage, of his influence over, or his relationship to, a child, to procure such child for sexual intercourse or any form of sexual abuse;

(e) threatens, or uses violence towards, a child to procure such child for sexual intercourse or any form of sexual abuse;

(f) gives monetary consideration, goods or other benefits to a child or his parents with intent to procure such child for sexual intercourse or any form of sexual abuse,

commits the offence of sexual exploitation of children and shall on conviction be punished with imprisonment of either description for a term not less than five years and not exceeding twenty years and may also be punished with fine.

(2) In this section child means a person under eighteen years of age.

Trafficking.
[8, 22 of 1995]
[8, 16 of 2006]

360C.

(1) Whoever-

(a) buys, sells or barter or instigates another person to buy, sell or barter any person or does anything to promote, facilitate or induce the buying, selling or bartering of any person for money or other consideration;

(b) recruits, transports, transfers, harbours or receives any person or does any other act by the use of threat, force, fraud, deception or inducement or by exploiting the vulnerability of

another for the purpose of securing forced or compulsory labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation or any other act which constitutes an offence under any law ;

(c) recruits, transports, transfers, harbours or receives a child or does any other act whether with or without the consent of such child for the purpose of securing forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual exploitation, or any other act which constitutes an offence under any law,

(2) Any person who is guilty of the offence of trafficking shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding twenty years and may also be punished with fine and where such offence is committed in respect of a child, be punished with imprisonment of either description for a term not less than three years and not exceeding twenty years and may also be punished with fine.

(3) In this section,-

"child" means a person under eighteen years of age ; "forced or compulsory labour" has the same meaning as in section 358A;

"slavery" has the same meaning as in section 358A; and

"exploiting the vulnerability of another" means impelling a person to submit to any act, taking advantage of such person's economic, cultural or other circumstances."

Offences related to adoption.

[9, 16 of 2006]

360D. Whoever, for the purpose of placing any person in adoption -

(i) arranges for, or assists, a child to travel to a foreign country without the consent of his parent or lawful guardian;

(ii) obtains the consent, whether written or oral of a pregnant woman, for money or any other consideration, for the adoption of the unborn child of such woman;

(iii) recruits a woman or a couple to bear children;

(iv) being a person concerned with the registration of births, knowingly permits the falsification of any register used for the registration of births or any birth record contained in any such register;

(v) engages in procuring children from hospitals, shelters for women, clinics, nurseries, day care centres or other child care institutions or welfare centres, for money or other consideration or procures a child for adoption from any such institution or centre, by intimidation of the mother or any other person; or

(vi) impersonates the mother or assists in such impersonation,

(2) In this section "child" means a person under eighteen years of age.

Soliciting a child.

[9, 16 of 2006]

360E.

(1) Whoever, whether within Sri Lanka or from outside Sri Lanka solicits by whatever means-

(a) a person under eighteen years of age; or

(b) any person believing such person to be under eighteen years of age,

for the purpose of sexual abuse of a child, commits the offence of soliciting a child and shall on conviction be liable to imprisonment of either description for a term not exceeding ten years or to a fine, or to both such imprisonment and fine."

Repealed
[9, 22 of 1995]

361. Repealed.

Repealed
[9, 22 of 1995]

362. Repealed.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

362A. Every man, who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Marrying again during the lifetime of husband or wife.

362B. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine,

Exception. This section does not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a

marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years and shall not have been heard of by such person as being alive within that time:

Provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts, as far as the same are within his or her knowledge.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

362C. Whoever commits the offence defined in the last preceding section, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent without lawful marriage.

362D. Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married, knowing that he thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

OF RAPE AND INCEST

'Rape'.
[12,22 of 1995]

363. A man is said to commit " rape " who enactment has sexual intercourse with, a woman under circumstances falling under any of the following descriptions:-

- (a) without her consent even where such woman is his wife and she is judicially separated from the man;
- [6,29 of 1998] (b) with her consent, while she was in lawful or unlawful detention or when her consent has been obtained, by use of force or intimidation, or by threat of detention or by putting her in fear of death or hurt;
- (c) with her consent when her consent has been obtained at a time when she was of unsound mind or was in a state of intoxication induced by alcohol or drugs, administered to her by the man or by some other person;
- (d) with her consent when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is, or believed herself to be, lawfully married;
- (e) with or without her consent when she is under sixteen years of age, unless the woman is his wife who is over twelve years of age and is not judicially separated from the man.

Explanation

- (i) Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape;
- (ii) Evidence of resistance such as physical injuries to the body is not essential to prove that sexual intercourse took place without consent.

Punishment for rape.
[13,22 of 1995]
[10, 16 of 2006]

364.

(1) Whoever commits rape shall, except, in the cases provided for in subsections (2) and (3), be punished with rigorous Imprisonment for a term not less than seven years and not exceeding twenty years and with fine, and shall in addition be ordered to pay compensation of an amount determined by court, to the person in respect of whom the offence was committed for the injuries caused to each person.

2) Whoever-

- (a) being a public officer or person in a position of authority, takes advantage of his official position, and commits rape on a woman in his official custody or wrongfully restrains and commits rape on a woman;
- (b) being on the management, or on the staff of a remand home or other place of custody, established by or under law, or of a women's or children's institution, takes advantage of his position and commits rape on any woman in mate of such remand home, place of custody or institution ;
- (c) being on the management or staff of a hospital, takes advantage of his position and commits rape on a woman in that hospital;
- (d) commits rape on a woman knowing her to be pregnant;
- (e) commits rape on a woman under eighteen years of age ;

(f) commits rape on a woman who is mentally or physically disabled ;

(g) commits gang rape,

shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with fine and shall in addition be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person;

Provided however, that where the offence is committed in respect of a person under sixteen years of age, the court may, where the offender is a person under eighteen years of age and the intercourse has been with the consent of the person, impose a sentence of Imprisonment for a term less than ten years,

Explanation 1

Where the offence of rape is committed by one or more persons in a group of persons, each person in such group committing, or abetting the commission of such offence is deemed to have committed gang rape;

Explanation 2

"women's or children, institution" means an institution for the reception and care of women or children, howsoever described;

Explanation 3

"hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

Explanation 4

"injuries" includes psychological or mental trauma.

(3) Whoever commits rape on a woman under sixteen years of age and the woman stands towards the man in any of the degrees of relationships enumerated in section 364A shall on conviction be punished with rigorous imprisonment, for a term not less than fifteen years and not exceeding twenty years and with fine.

(4) Where any person fails to pay the compensation he is ordered to pay under subsection (1) or subsection (2), he shall, in addition to the imprisonment imposed on him under subsection (1) or subsection (2) be punished with a further term of imprisonment of either description for a term which may extend up to two years.

Incest.
[15,22 of 1995]

364A.

(1) Whoever has sexual intercourse with another, who stands towards him in any following enumerated degrees of relationship, that is to say-

(a) either party is directly descended from the other or is the adoptive parent, adoptive grand parent, adoptive child or adopted grand child or the other ; or

(b) the female, is the sister of the male, either by the full or the half blood or by adoption, or is the daughter of his brother, or of his sister, by the full or the half blood or by adoption, or is a descendant from either of them, or is the daughter of his wife by another father, or is his sons or grandsons or fathers or grandfathers widow; or

(c) the male, is the brother of the female either by the full or the half blood or by adoption, or is the son of her brother or sister by the full or half blood or by adoption or is a descendant from either of them, or is the son of her husband by another mother, or is her deceased daughters or grand daughters or mothers or grand mothers husband,

commits the offence of incest

(2) The offence of incest shall not be affected or negated by reason of the existence of any defect in the legality of any relationship given in this section, such as absence of a valid marriage or adoption.

(3) Whoever-

(a) commits incest, shall be punished with rigorous imprisonment for a term not less than seven years and not exceeding twenty years and with fine.

(b) Attempts to commit incest shall be punished with imprisonment of either description for a term which may extend to two years.

(4) No prosecution shall be commenced for an offence under this section except with the written sanction of the Attorney General.

OF UNNATURAL OFFENCES AND GRAVE SEXUAL ABUSE

Unnatural offence. **365.** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be punished with fine and where the offence is committed by a person over eighteen years of age in respect of any person under sixteen years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with fine and shall also be ordered to pay compensation of an amount- determined by court to the person in respect of whom the offence was committed for injuries caused to such person.

Explanation (1)

Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Explanation (2)

"injuries" includes psychological or mental trauma.

Acts of gross indecency between persons. **365A.** Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts procure the commission by any person of, any act of gross indecency with another person, shall be guilty of an offence, and shall be punished with imprisonment of either description, for a term which may extend to two years or with fine or with both and where the offence is committed by a person over eighteen years of age in respect of any person under sixteen years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.

Explanation

"injuries" includes psychological or mental trauma.

Grave sexual abuse **365B.** (1) Grave sexual abuse is committed any person who, for sexual gratification, does any act, by the use of his genitals or any other part of the human body or any Instrument on any orifice or part of the body of any other person, being an act which does not amount to rape under section 363, in circumstances falling under any of the following descriptions, that is to say-

(a) without the consent of the other person ;

[7,29 of 1998] (aa) with or without the consent of the other person when the other person is under sixteen years of age;"

[7,29 of 1998] (b) with the consent of the other person while such other person was in lawful or unlawful detention or where that consent has been obtained, by use of force, or intimidation or threat of detention or by putting such other person in fear of death or hurt;

(c) with the consent of the other person where such consent has been obtained at a time the other person was of unsound mind or was in a state of intoxication induced by alcohol Of drugs.

(2) Whoever-

[13,16 of 2006] (a) commits grave sexual abuse shall be punished with rigorous imprisonment for a term not less than five years and not exceeding twenty years and with fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person;

[13,16 of 2006] (b) Commits grave sexual abuse on any person under eighteen years of age, shall be punished with rigorous imprisonment for a term not less than seven years and not exceeding twenty years and with fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person;

Explanation

"injuries" includes psychological or mental trauma.

OF PUBLICATION OF MATTER RELATING TO CERTAIN OFFENCES

Publication of

matter relating to
certain offences.
[21,22 of 1995]

365C.

(1) Whoever prints or publishes, the name, or any matter relating which may make known the identity, of any person against to certain whom an offence under section 345 or section 360A or section offences. 360B or section 363 or section 364A or section 365 or section 365A or section 365B, is alleged or found to have been committed (hereinafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

(2) Nothing in subsection (1) shall apply to the printing or publication of the name, or any matter which may make known the identity, of the victim, if such printing or publication is-

(a) by or under the order of the officer in charge of the police station or the police officer, making investigation into such offence, acting in good faith for the purposes of such investigation; or

(b) by or with the authorization in writing of the victim; or

(c) by or with the authorization in writing of the next of kin of the victim where the victim is dead or the parent or guardian of the victim, where the victim is a minor or is of unsound mind:

Provided no such authorization shall be given by such next of kin to any person other than top the Chairman, Secretary or Manager, how so ever described, of any welfare institution or organization recognized by the State.

(3) Whoever prints or publishes any matter in relation to any proceeding in any court with respect to an offence referred to sin subsection (1), without the previous permission of such court, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

explanation

The printing or publication of a judgment of the Court of Appeal or the Supreme Court does not amount to an offence within the meaning of this section

CHAPTER XVII

OF OFFENCES AGAINST PROPERTY OF THEFT

"Theft".

366. Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit 11 theft".

Explanation 1

A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2

A moving effected by the same act which effects the severance may be a theft.

Explanation 3

A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4

A person who by any means causes an animal to move is said to move that animal and to move everything which in consequence of the motion so caused, is moved by that animal.

Explanation 5

The consent mentioned in the definition may be expressed or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if As intention be dishonestly to lake the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly lake

the treasure. As soon as the bullock begins to move A has committed theft of the treasure.

(d) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property,

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten- Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweler, to be regulated, Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly ; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes in to Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives A valuable property which A knows to belong to her husband Z and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

Punishment for theft.

367. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Theft of cattle.

368. Whoever commits theft-

(a) of any bull, cow, heifer, or calf or steer, buffalo.

Of praedial products. (b) of any fruit, vegetable, or other praedial production, or any cultivated root or plant used or capable of being used for the food of man or beast, or for medicine, distilling, or dyeing, or in the course of any manufacture,

may, in addition to any other punishment for theft. in addition to any other punishment for theft, be punished with whipping.

Theft in dwelling

house, &c.

369. Whoever commits theft in any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft by clerk or servant of session of master.

370. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death or hurt, in order to the committing of the theft.

371. Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A commits theft of property in Z's possession; and while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hunting Z, in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist or should attempt to apprehend A. A has committed the offence defined in this section.

OF EXTORTION

"Extortion".

372. Whoever intentionally puts any person in fear of any injury to that person or to any other and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

Illustrations

(a) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A promissory note binding Z to pay certain moneys to A, Z signs and delivers the note. A has committed extortion.

(c) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

Punishment for extortion.

373. Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Putting person in fear of injury in order to commit extortion .

374. Whoever, in order to the committing of extortion, puts any person in fear or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Extortion by putting Person in fear of death or grievous hurt.

375. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Putting person in fear of death or of grievous hurt in order to commit extortion.

376. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Extortion by threat of accusation of an offence punishable with death or imprisonment for ten years, &c.

377. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be one punishable under section 365, may be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

Putting person in fear of accusation of offence in order

378. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of any accusation against that person or any other of having committed or attempted to commit an offence punishable with death, or with imprisonment

to commit extortion.

for a term which may extend to ten years or more, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and if the offence be punishable under section 365 may be punished with rigorous imprisonment which may extend to twenty years, and shall also be liable to fine.

OF ROBBERY

Robbery.

379. In all robbery there is theft or extortion

when theft is robbery.

Theft is " robbery ", if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint.

When extortion robbery.

Extortion is " robbery ", if the offender, is at the time of committing the extortion, is in the presence of the person put in fear and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation

The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Zs purse. Z, in consequence surrenders his purse- Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence, A has therefore committed robbery.

(c) A meets Z and Zs child on the high road. A takes the child and threatens to fling it down a precipice unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying: "Your child is in the hands of my gang, and wilt be put to death unless you send us ten thousand rupees ". This is extortion, and punishable as such ; but it is not robbery, unless Z is put in fear of the instant death of his child.

Punishment for robbery .

380. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine, and if the robbery be committed on the highway between sunset and sunrise the imprisonment may be extended to fourteen years.

Attempt to commit robbery .

381. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery.

382. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Robbery with attempt to cause death or grievous hurt.

383. If, at the time of committing robbery, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished may be extended to twenty years.

Attempt to commit robbery when armed with deadly weapon.

384. If, at the time of attempting to commit a robbery, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished may be extended to twenty years.

Punishment for belonging to a wandering gang of thieves.

385. Whoever shall belong to any wandering or other gang of persons a associated for the purpose of habitually committing theft or robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

OF CRIMINAL MISAPPROPRIATION OF PROPERTY

Dishonest misappropriation of property.

386. Whoever dishonestly misappropriates or converts to his own use any movable property shall be punished with imprisonment of either description for a term which may

extend to two years, or with fine, or with both

Illustration

(a) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft ; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it. A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1

A dishonest misappropriation for a time only is misappropriation within the meaning of this section.

Illustration

A finds a promissory note belonging to Z, payable to bearer. A, knowing that the note belongs to Z, pledges it with a banker as security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2

(i) A person who finds property not in the possession of any other person and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

(ii) What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

(iii) It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustration

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop a purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money not knowing to whom it belongs ; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately, without attempting to discover the owner. A is guilty of an offence under this section.

Dishonest misappropriation of property possessed by a deceased person

387. Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offender at the time of such

at the time of his death. person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

OF CRIMINAL BREACH OF TRUST

"Criminal breach of trust".

388. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or willfully suffers any other person so to do, commits "criminal breach of trust".

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law, which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Colombo, is agent for Z, residing in England. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits ten thousand rupees to A, with directions to A to invest the same on mortgage of coffee estates. A dishonestly disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in a company, disobeys Z's directions and buys shares in a company in Z's name instead of investing the money on mortgage, here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A not having acted dishonestly has not committed criminal breach of trust.

(e) A, a revenue officer, is entrusted with public money, and is either directed by law or bound by a contract, express or implied, with the Government, to pay into a certain Kachcheri all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

Punishment for criminal breach of trust.

389. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Criminal breach of trust by carrier, &c.

390. Whoever, being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by a clerk or servant.

391. Whoever, being a clerk or servant or employed as a clerk or servant, and being trust in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant, or agent.

392. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business, as a banker, merchant, factor, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Criminal breach by public servant in respect of money or balance of money.

392A. Whoever, being entrusted with or having the dominion of any money in his capacity as a public servant, fails forthwith to pay over or produce, when required to do so by the head of his department or by the Secretary or Deputy Secretary to the Treasury, Auditor-General, Assistant Auditor-General, or any officer specially appointed by the Secretary to the Treasury to examine the accounts of his department, any money or balance of any

money shown in the books or accounts or statements kept or signed by him to be held by or to be due from him as such public servant, or to duly account therefore, shall be guilty of the offence of criminal breach of trust, and shall on conviction be subject to the penalty provided by section 392.

Criminal breach of trust by agent in respect of postal articles.

392B. Any person who, acting or purporting to act as the agent of any other person, receives from a postal officer any postal articles. postal article for delivery to such other person and-

- (a) willfully throws away, destroys, keeps, or secretes; or
- (b) without reasonable excuse (the burden of proving which shall lie upon him) fails duly to account for such article, or unduly delays such delivery,

shall be deemed guilty of criminal breach of trust, and shall be liable to the punishment prescribed therefore.

OF THE RECEIVING OF STOLEN PROPERTY

" Stolen property" .

393. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, or by forgery, or by cheating, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as " stolen property", whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without Sri Lanka. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Dishonestly property.

394. Whoever dishonestly receives or receiving stolen retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Habitually dealing in stolen property.

395. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Assisting in concealment of Stolen property.

396. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Receiving stolen cattle or praedial products.

397. If the stolen property referred to in the three preceding sections shall be of any of the descriptions mentioned in section 368, the offender may, in addition to the punishments by the three preceding sections imposed, be punished with whipping.

OF CHEATING

"Cheating".

398. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property, or damage or loss to the Government, is said to " cheat".

Explanation

A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations

(a) A, by falsely pretending to be in the Administrative Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a cheque on a bank with which A keeps no money, and by which A expects that the cheque will be dishonored, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly

induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver 10 Z a certain quantity of copra, which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the copra, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A. knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

"cheating by personation".

399. A person is said to "cheat by personation " if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation

The offence is committed whether the individual personated is a real or imaginary person.

Illustrations

(a) A cheats 'by pretending to be a certain rich merchant of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

Punishment for cheating.

400. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

401. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person, whose interest in the transaction to which the cheating relates he was bound either by law, or by a legal 'contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by Personation.

402. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

cheating and dishonestly inducing a delivery of property.

403. Whoever cheats and there by dishonestly induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY

Dishonest or fraudulent removal or concealment of property prevent distribution among creditors.

404. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person or transfers or causes to be transferred to any person, without adequate to consideration, any property intending thereby to prevent, or knowing if to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonestly or fraudulently preventing from being made available for his creditors a debt or demand due to the offender.

405. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent execution of deed of transfer

406. Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for

containing a false statement of consideration. such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property or release of claim. **407.** Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

OF MISCHIEF AND ILLEGAL REMOVAL OF WRECKS

Mischief. **408.** Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits " mischief ".

Explanation 1

It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2

Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations

(a) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief-

(e) A, having insured a ship voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away intending thereby to cause damage to Z, who has lent money on bottom on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause, and knowing that he is likely to cause, damage to Z's crop. A has committed mischief.

Punishment for committing mischief. **409.** Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Committing mischief and thereby causing damage to the amount of fifty rupees . **410.** Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards shall be with imprisonment of either description for a term which may extend to of fifty two years, or with fine, or with both.

Mischief by killing or maiming any animal of the value of ten rupees. **411.** Whoever commits mischief by killing, poisoning, maiming, or rendering useless any animal or animals of the value of ten rupees or upwards shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by injury to works of irrigation by wrong fully divert water. **412.** Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel,- horse, ass, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or

with both.

Mischief by injury to works of irrigation or by wrongfully diverting water.

413. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings, or for animals which are property, or for cleanliness, or for carrying, on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, or river.

414. Whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge navigable river, or navigable channel, natural or artificial, impassable or less safe for traveling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by causing inundation or obstruction to public drainage attended with damage.

415. Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by destroying or moving or rendering less useful a lighthouse or seamark.

416. Whoever commits mischief by destroying or moving any lighthouse or other light used as a seamark, or any seamark or buoy or other thing placed as a guide for navigators, or by any act which renders any such lighthouse, seamark, buoy, or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Mischief by destroying or moving, &c, a landmark fixed by authority of a public servant.

417. Whoever commits mischief by destroying or moving any landmark fixed by the authority of a public servant, or by any act which renders such landmark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by fire or explosive substance with intent to cause damage to the amount of one hundred rupees.

418. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

419. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of a burden often .

420. Whoever commits mischief to any decked vessel or any vessel of a burden of ten tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a upwards. term which may extend to ten years, and shall also be liable to fine.

Punishment for the mischief described in the last section when committed by fire or any explosive substance.

421. Whoever commits or attempts to commit by fire or any explosive substance such mischief as is described in the last preceding section shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Punishment for intentionally running vessel aground or ashore with intent to commit theft, &c.

422. Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein, or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for impeding the saving of a vessel .

423. Whoever, without lawful excuse, endeavors in any way to prevent or impede the saving of any vessel stranded or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel of such vessel or any wreck, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Punishment for

424. Whoever illegally carries away or removes any part of any vessel stranded or in

removing or secreting wreck.

danger or being stranded or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof or any wreck, and whoever illegally secretes any wreck or obliterates or defaces any marks thereon, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

Taking wreck into foreign port .

425. Whoever illegally takes into any foreign port or place any vessel stranded or derelict or otherwise in distress on or near the seashore or the shore of any tidal water of Sri Lanka, or any part of the cargo or apparel thereof, or anything belonging thereto or any wreck found on or near such seashore or shore aforesaid, and there sells the same, shall be punished with imprisonment of either description for a term which may extend to five years,, or with fine, or with both.

Explanation

The word wreck used in sections 423, 424, and 425 includes jetsam, flotsam, lagan, and derelict.

Mischief committed after preparation made for causing death or hurt.

426. Whoever commits mischief, having made preparation for causing to any person death or hurt or wrongful restraint, or fear of death or of hurt or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

OF CRIMINAL TRESPASS

" Criminal trespass " .

427. Whoever enters into or upon property in the occupation of another with intent to commit an offence, or to intimidate, insult, or annoy any person in occupation of such property,

or having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult, or annoy any such person, or with intent to commit an offence,

is said to commit" criminal trespass "

"House-trespass " .

428. Whoever commits criminal trespass by entering- into or remaining in any building, tent, or vessel used as a human dwelling, or any building used as a place for worship or as a place for the custody of property, is said to commit " house-trespass " .

Explanation

The introduction of any part of the criminal trespasser's body in - entering is sufficient to constitute house-trespass.

" Lurking house-trespass " .

429. Whoever commits house-trespass, having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit u lurking house-trespass"

"Lurking house-trespass by night " .

430. Whoever commits lurking after sunset and before sunrise is house-trespass said to commit " lurking house-trespass by night"

"House-breaking" .

431. A person is said to commit" house- breaking " who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described ; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say-

Firstly- ; he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass ;

Secondly- if he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building ;

Thirdly- if he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass, by any means by which that passage was not intended by the occupier of the house to be opened ;

Fourthly- if he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass ;

Fifthly- if he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault ;

Sixthly- if he enters or quits by any passage which he knows to have been fastened against such entrance or departure and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation

Any outhouse or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustration

(a) A commits house-trespass by making a hole through the wall of Z's house and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house-door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway, A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

"House-breaking by night".

432. Whoever commits house-breaking after sunset and before sunrise is said to commit "house-breaking by night".

Punishment for criminal trespass.

433. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Punishment for house-trespass .

434. Whoever commits, house-trespass, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

House-trespass in order to the commission of an offence punishable with death.

435. Whoever commits house-trespass in order to the committing of any offence punishable with death shall be punished with rigorous imprisonment for a term not exceeding twenty years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with imprisonment for ten years or more.

436. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment for ten years or more shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with imprisonment for less than ten years.

437. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment for less than ten years shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine ; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass after preparation made for causing hurt to any person.

438. Whoever commits house-trespass having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

439. Whoever commits lurking house- trespass or house-breaking shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.

440. Whoever commits lurking house- trespass or house-breaking in order to the committing of any offence punishable with imprisonment shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

441. Whoever commits lurking house-trespass or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for lurking house-trespass by night or house breaking by night .

442. Whoever commits lurking house-trespass by night or house-breaking by night shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Lurking house-trespass by night or house-breaking by night in order to the commission of an offence punishable .

443. Whoever commits lurking house-trespass by night or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of imprisonment may be with imprisonment extended to fourteen years.

Lurking house-trespass by night or house night after preparation made for causing hurt to any person.

444. Whoever commits lurking house-trespass by night or house-breaking by night, having made preparation for causing breaking by hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt of assault or of wrongful restraint, shall be punished with imprisonment of any person either description for a term which may extend to fourteen years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

445. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine, or to whipping.

All persons jointly concerned in house trespass by night or house-breaking by night to be punishable for death or grievous hurt caused by one of their number.

446. If, at the time of the committing of lurking house-trespass by night or house-breaking by night any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

Dishonestly breaking open any closed receptacle containing or supposed to property.

447. Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for same offence when committed by person entrusted with custody.

448. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Unlawful possession of house-breaking instrument or being armed with offensive weapon.

449. Whoever is found having in his custody or possession without lawful excuse, the proof of which lies on him, any instrument of house-breaking, or being armed with any dangerous or offensive weapon with intent to commit any unlawful act, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and such instrument or weapon shall be forfeited to the State.

Being found in a building , &c., for unlawful purpose .

450. Whoever is found in or upon any building or enclosure for any unlawful purpose, and whoever is found in or upon any building or enclosure and fails to give a satisfactory account of himself, shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding fifty rupees, or with both.

Loitering about by reputed thief.

451. Whoever, being a reputed thief, loiters or lurks about any public place or any wharf or warehouse or any vessel in any harbour or other water with intent to commit theft or any other unlawful act shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding fifty rupees, or with both.

CHAPTER XVIII
OF OFFENCES RELATING TO DOCUMENTS. PROPERTY-
MARKS, CURRENCY NOTES AND BANK NOTES

Forgery .

452. Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to the Government, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud, or that fraud may be committed, commits forgery.

Making a false document.

453. A person is said to make a false document-

Firstly- who dishonestly or fraudulently makes, signs, seals, or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed, by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, or executed, or at a time at which he knows that it was not made, signed, sealed, or executed ; or

Secondly- who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly- who dishonestly or fraudulently causes any person to sign, seal, execute, or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him he does not, know the contents of the document or the nature of the alteration.

Illustrations

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds a cipher to the 10,000 and makes the sum 100,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of obtaining from B the purchase money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been preserved in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery-

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker, and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words: " I direct that all my remaining property be equally divided between A, B, and C". A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a promissory note and makes it payable to Z or his order, by writing on the note the words " Pay to Z or his order ", and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and, by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A

made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name, certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate and thereby to induce Z to enter into an expressed or implied contract for service.

Explanation 1

A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word " accepted " on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery ; and if B knowing the fact draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name intending to cause it to be believed that it was endorsed by the person to whose order it was payable ; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure, with intent to defraud A and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by ante-dating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and in order to give a color to the transaction writes a promissory note binding himself to pay to B a sum for value received, and ante-dates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2

The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Punishment for forgery .

454. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Forgery of a record of a Court of Justice or of a public register of births, &c.

455. Whoever forges a document purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage, or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess Judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a valuable security or will.

456. Whoever forges a document which purports to be a valuable security or a will, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Forgery for the purpose of cheating .

457. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

" A forged document" .

458. A false document made wholly or in part by forgery is designated " a forged

document".

Using as genuine a forged document.

459. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document shall be punished in the same manner as if he had forged such document.

Making or possessing a counterfeit seal, plate, &c. with intent to commit a forgery punishable under section 456.

460. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 456, or with such intent has in his possession any such seal, plate, or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Making or possessing a counterfeit seal, plate, &c. with intent to commit a forgery punishable otherwise.

461. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 456, or with such intent has in his possession any such seal, plate, or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a forged record or valuable security or will known to be forged, with intent to use it as genuine.

462. Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 455, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; and if the document is one of the description mentioned in section 456, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents described in section 456, or possessing counterfeit marked material.

463. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in section 456, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents other than those described in section 456, or possessing counterfeit marked material.

464. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document other than the documents described in section 456, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material, upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sending false message by telegraph.

465. Whoever knowingly causes to be transmitted by telegraph or tenders to any public officer employed in the Posts or Telecommunications Department for transmission any false message with intent to defraud, injure, or annoy any person, or to spread any false rumor, which may be detrimental to the Government or the interests of the public shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulent cancellation, destruction, &c. of a will.

466. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys, injures, or defaces, or attempts to cancel, destroy, injure, or deface, or secretes or attempts to secrete any document which is or purports to be a will, or any valuable security, or any record, register, book, or document kept by any public servant in his capacity as such or by any person in pursuance of any enactment, or commits mischief in respect to such record, register, book, or document, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Falsification of accounts.

467. Whoever, being a clerk, officer, or servant, or being employed or acting in the capacity of a clerk, officer, or servant, willfully and with intent to defraud destroys, alters, mutilates, or falsifies any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully and with intent to defraud makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in any such book, paper, writing, valuable security, or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation

It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded, or specifying any particular sum of money intended to be the subject of the fraud or any particular day on which the offence was committed.

Possession of any imitation of any currency not bank note or coin. **468.**

(1) Whoever without lawful authority or excuse, the proof whereof shall lie on the person accused, shall have in his possession any imitation of any currency note, bank note or coin which is lawfully current in Sri Lanka or in any foreign country shall be guilty of an offence, and shall be liable to imprisonment of either description for any period not exceeding two years, or to fine, or to both.

(2) For the purposes of this section the expression " imitation includes cotton, silk, or other woven goods impressed with designs in imitation of any currency note, bank note or coin lawfully current in Sri Lanka or in any foreign country.

OF PROPERTY-MARKS

Property-mark. **469.** A mark used for denoting that movable property belongs to a particular person is called a property-mark.

" Using a false property- mark".

470. Whoever marks any movable property or goods, or any case, package, or other receptacle containing movable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked, or any property or goods contained in any case, package, or other receptacle so marked, belong to a person to whom they do not belong, is said to " use a false property-mark ".

Punishment for using a false property-mark with intent to deceive or injure any person.

471. Whoever uses any false property- mark with intent to deceive or injure any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a property-mark used by another with intent to cause damage or , injury.

472. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any property-mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting property-mark used by a public servant, or any mark used by him to denote the manufacture, quality. &c, of any property.

473. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any property-mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality, or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent making or having possession of any die, pate, or other instrument for counterfeiting any public or private property-mark.

474. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property-mark with intent to use the same for the purpose of counterfeiting such mark or has in his possession any such property- mark with intent that the same shall be used for the purpose of denoting that any goods or merchandise were made or manufactured by any particular person or firm by whom they were not made, or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property-mark.

475. Whoever sells any goods with a counterfeit property-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or property-mark. receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandise not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, with intent to deceive, injure, or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

Fraudulently making a false mark upon any package or

476. Whoever fraudulently makes any false marks upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not

receptacle containing goods.

contain goods which it does contain, or that the goods contained in such package or receptacle are of a nature or quality different from the real nature or quality thereof, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for making use of any such false mark.

477. Whoever fraudulently makes use of any such false mark with intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding section.

Defacing any property-mark with intent to cause injury.

478. Whoever removes, destroys, or defaces any property-mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

OF CURRENCY NOTES AND BANK NOTES

Counterfeiting currency notes or bank notes.

478A.

(1) Whoever forges or counterfeits, or knowingly performs any part of the process of forging or counterfeiting, any currency note or bank note shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

(2) For the purposes of this section and of sections 478B, 478c, and 478D-

(a) "bank note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any state, or sovereign power and intended to be used as equivalent to, or as a substitute for, money;

(b) "currency note" means a currency note issued under the Currency Ordinance, No. 21 of 1941, or under the Monetary Law Act, or any enactment in operation for the time being relating to the issue of paper currency in Sri Lanka and includes any note of a similar character, by whatever name called, issued by or on behalf of the Government of any foreign State.

Using as genuine forged or counterfeit currency note or bank note.

478B. Whoever sells to, or buys or receives from any other person or otherwise traffics in or uses as genuine, any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

Possession of forged or counterfeit currency notes .

478C. Whoever has in his possession any forged or counterfeit currency note or bank note, knowing or having reason to believe the same to be forged or counterfeit Or bank notes. and intending to use the same as genuine, or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to twenty years or with fine or with both.

Making or possessing instrument or materials for forging or counterfeiting currency notes or bank notes.

478D. Whoever makes, or performs any part of the process of making, or buys or sells, or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency note or bank note, shall be punished with imprisonment of either description for a term which may extend to twenty years and shall also be liable to fine.

[3, 19 of 1941]

CHAPTER XIX[Repealed]

[3, 12 of 2002]

CHAPTER XX

OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE

Criminal intimidation .

483. Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation

A threat to injure the reputation of any deceased person in whom the person threatened is interested is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation

Intentional insult with intent to provoke a breach of the peace.

484. Whoever intentionally insults and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Circulating false report with intent to cause mutiny or an offence against the Republic.

485. Whoever circulates or publishes any statement, rumor, or report which he knows to be false, with intent to cause any officer, soldier, sailor, or airman in the Army, Navy, or Air Force of the Republic to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the Republic or against the public tranquility, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for criminal intimidation.

486. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, &c.

and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Criminal intimidation by an anonymous communication.

487. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

Illustration

A writes an anonymous letter threatening B, and sends it to C, living with B, expecting and believing C would show the letter to B; A is guilty under this section.

Misconduct in public by a drunken person.

488. Whoever, in a state of intoxication, appears in any public place or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

CHAPTER XXI

OF UNLAWFUL OATHS

Administering or taking or abetting the administering or taking of an oath to commit an offence.

489. Whoever administers or causes to be administered, or abets the administering or taking of any oath, engagement, or obligation in the nature of an oath, purporting or intending to bind the person taking the same to commit or abet the commission of any offence, or takes any such oath, engagement, or obligation, if the offence to which the oath, engagement, or obligation relates be punishable with death or imprisonment for twenty years, shall be punished with imprisonment of either description which may extend to twenty years, or with fine, or both, and if the offence is punishable with imprisonment for less than twenty years shall be punished with such punishment as may be awarded for the offence to which such oath, engagement, or obligation relates.

CHAPTER XXII

OF ATTEMPTS TO COMMIT OFFENCES

Punishment for attempting to commit offences punishable with imprisonment.

490. Whoever attempts to commit an offence punishable by this Code with imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of either description provided for the offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both

Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no Jewel in it. He has done an act toward the commission of theft, and therefore is guilty under this section,

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z having nothing in his pocket. A is guilty under this section.