

In the Name of Allah, the Gracious, the Merciful

The Criminal Act 1991

Be it here by passed by the National Salvation Revolution Command Council in accordance with the provisions of the third Constitutional Decree 1989, as follows :-

Part I

Preliminary Provisions and Enforcement of the Act

Chapter I

Preliminary

Title and commencement

1. This Act may be cited as the, "Criminal Act, 1991", and shall come into force after one month from the date of its publication in the Gazette.

Repeal

2. The Penal Code, 1983 shall be repealed.

Interpretation and explanations

3. In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings and explanations assigned thereto :-

"Judicial proceeding",

includes any proceeding in the course of which evidence may be taken in accordance with the law; an act is said to be "likely" to have a certain consequence or a certain effect if the assurance of that consequence or effect is foreseeable to a reasonable man; means wounds as defined in this Act, with the exception of scratches or wounds which affect the skin only;

"Likely",

"Grievous hurt",

"Grave provocation";

means causing of grave anger which prevents the complete self-control and reflection and takes beyond the moderate state. It shall not be deemed provocation which :

- (a) is sought or intentionally caused by the offender as an excuse for committing the offence;

- (b) results from any act done in execution of the law by the public authority.
- (c) results from any act done in the lawful exercise of a legal right ;
- “Harbor”,** a person is said to harbor another when he supplies that other with shelter or food or assists that other in any way to evade arrest;
- “Adult”,** means a person whose puberty has been established by definite natural features and has completed fifteen years of age. Whoever attains eighteen years of age shall be deemed an adult even if the features of puberty do not appear;
- “Offence”,** Includes every act punishable under the provisions of this Act, or any Act;
- “Hudud offence”,** means the offences of drinking alcohol, apostasy (ridda), adultery (zina) defamation of unchastity (quazf) armed robbery (hiraba) and capital theft;
- “Good-faith”,** a person is said to have done something or believed in it in “good faith” if such act or belief occurs with good intention and the use of due care and attention;
- “Alcohol”,** includes any intoxicant of which the drinking of a small or large amount, whether the same is in a pure or mixed form, causes intoxication;
- “Man and woman”,** “man” means the adult male, and “woman” means the adult female;
- “Consent”,** means acceptance, and it shall not be deemed consent which is given by :-
- (a) a person under the influence of compulsion or mistake of fact, where the person doing the act knows that consent was given as a result of such compulsion or mistake; or
- (b) a person who is not an adult; or

- (c) a person unable to understand the nature or consequence of that to which he has given his consent by reason of mental or psychological instability;
- "Public authority",** means any competent authority of the state and includes the public corporations and companies of the public sector;
- "Document of title",** means a document which is, or purports to be a document, whereby a legal right is created, extended, transferred, restricted, extinguished or released or whereby the existence or the extinction of a legal right is acknowledged, or established;
- "Dishonestly",** a person is said to do a thing dishonestly who does that thing with the intention of causing wrongful gain to himself or another or of causing wrongful loss to any other person, and the expression "wrongful gain" means obtaining property, or retaining it in a wrongful manner, and the expression "wrongful loss", means depriving, or preventing any person from his property, or retaining it in a wrongful manner;
- "Person",** includes a natural person and any company or association or group of persons, whether incorporated or not;
- "Injury",** means any hurt illegally inflicted upon a person in body, mental or psychological, health, honour, property or reputation;
- "Movable and immovable property",** immovable property includes land and things permanently attached thereto, or fastened permanently to anything which is attached to the land, and any property otherwise is considered movable;
- "Ta'zir penalty",** means any penalty other than hudud and retribution (qisas);
- "Knowledge",** a person is said to know a thing where he perceives it or has reason to believe therein;
- "Act",** words that denote an act, shall include an illegal omission as well as a series of acts;

- "Intention",** a person is said to cause a consequence intentionally, if he causes it by using means intending thereby to cause the consequences, or by using means which he, at the time of using them, knows that the same causes such consequence, or has reason to believe that they are likely to cause it;
- "Fraudulently",** a person is said to do a thing fraudulently, who does that thing with intent to deceive, and by means of such, deceit to obtain some gain or advantage for himself, or another, or to cause loss to any other person;
- "Disciplined forces",** include the Armed Forces, security, police, prisons, fire brigade, the wild life conservation forces, and any other forces to be established thereafter;
- "Has reason to believe",** a person is said to have reason to believe if he has cause, or the circumstances are such as to cause a similar person, so to believe;
- "Court",** includes any court, or body exercising judicial proceedings by virtue of any Act in force;
- "Mature",** in relation to a natural person means a sane adult, and in relation to a body corporate, means whoever has the capacity for legal responsibility;
- "Public servant",** means any person appointed by a public authority to undertake a public office whether the appointment is with or without consideration, and whether it is temporary or permanent;
- "Probable consequence",** a thing is said to be a probable consequence of an act where the act, or the means employed therein leads to the occurrence of that consequence in most cases.

Chapter II
Enforcement of the Act
Retrospective effect of the Act

- 4.(1) Notwithstanding the provisions of sub-section (2), the law in force at the time of the commission of the offence shall be applied.
- (2) In case of offences in which no final judgment has been passed the provisions of this Act shall be applied where they are beneficial to the accused.
- (3) The non-execution of hudud penalties before the coming into force of this Act shall be a doubt (shubha) which remits the hudud penalty, and penalties inflicted in final judgments shall be revised in accordance with the provisions of this Act.
- (4) Any final judgment of dia passed before the coming into force of this Act shall be revised in accordance with the provisions thereof for its satisfaction.

Offences committed within the Sudan

- 5.(1) The provisions of this Act shall apply to every offence committed wholly or partly in the Sudan.
- (2) For the purposes of this Act, definition of the Sudan includes its air space, its territorial waters, and all Sudanese ships and aircrafts wherever they are.
- (3) The provisions of sections 78(1), 79, 85, 126, 139(1), 146(1), (2) and (3), 157, 168 and 171 shall not apply to the Southern States, unless the accused himself requests the application of the said provisions on him, or the legislative body concerned decides to the contrary.

Offences committed outside the Sudan

- 6.(1) The provisions of this Act shall apply to every person who commits :
- (a) outside the Sudan an act which makes him a principal or joint offender in any of the following offences :-
- (i) offences against the state;
- (ii) offences relating to the disciplined forces;
- (iii) offences relating to counterfeiting coins, or revenue stamps, where the offender is found in the Sudan;
- (b) in the Sudan a joint act associated with an act committed outside the Sudan which is an offence in the Sudan, and is also an offence under the law of the state where the act is committed.

- (2) A person who has committed outside the Sudan any of the offences punishable in the Sudan, shall not be punished in the Sudan, where it is proved that such person has been tried outside the Sudan before a competent court and has served his sentence, or that he has been declared innocent by such court.

Offences committed by a Sudanese

7. A Sudanese who has committed outside the Sudan an act which makes him a principal or joint offender to an offence falling under the provisions of this Act shall be punished when he returns to the Sudan if the act constitutes an offence and also, under the law of the state where the act is done, unless it is proved that such a Sudanese was tried outside the Sudan before a competent court and has served his sentence, or has been found not guilty by such court.

Part II

Criminal Responsibility

Basis of criminal responsibility

- 8.(1) There shall be no responsibility except upon a mature person of free will .
- (2) There shall be no responsibility unless an unlawful act is done with intent or by negligence.

Act of a child

9. A child who has not attained puberty shall not be deemed to have committed an offence; provided that care and reform measures set out in this Act may be applied to a child who has completed seven years of age, as the court may deem fit.

Act of a person incapable of judgment by reason of insanity or intoxication etc.

10. A person shall not be deemed to have committed an offence who at the time of committing the act does not appreciate the nature or consequences of his acts, or is unable to control them by reason of :-
- (a) Permanent, or temporary insanity, or mental infirmity; or
 - (b) Sleep, or unconsciousness, or
 - (c) taking intoxicant substances or drugs as a result of coercion, or necessity, or without knowing it to be so, but where the intoxicant substance, or drug is taken voluntarily, knowingly, and without necessity he shall be responsible for the offence as if he had committed it without being intoxicated or drugged.

Performance of duty and exercise of right

11. No act shall be deemed an offence if done by a person who is bound, or authorized to do it by law, or by a legal order issued from a competent authority, or who believes in good faith that he is bound, or authorized so to do.

Right of private defence

- 12.(1) No act shall be deemed an offence if done in the lawful exercise of the right of private defence.
- (2) The right of private defence arises when a person is confronted with the danger of an immediate or imminent assault upon his person, property or honour the person, property, or honour of any other person, and when it is not possible to evade the danger by having recourse to the public authorities, or in any other manner and the said person may combat the danger by what is necessary to combat it and by the appropriate means.
- (3) No right of private defence arises against a public servant, acting within the limits of the powers of his post, unless there is apprehension of causing death, or grievous hurt.
- (4) The right of private defence shall not extend to willfully causing death, unless the danger to be repelled is apprehended to cause death, grievous hurt, rape, abduction, kidnapping, robbery, armed robbery (hiraba), criminal mischief or damage to public property or establishment or criminal mischief by sinking or by setting fire or by using poisonous, or explosive materials.

Compulsion

- 13.(1) There shall not be deemed to commit an offence every person who is compelled to do an act by coercion or by threat of death, or imminent grievous hurt to his person, or family, or serious injury to his property, where the said person apprehends that the execution of the threat is most probably to occur and it is not in his power to avoid it by any other means.
- (2) Coercion shall not justify causing death, or grievous hurt or the commission of any of the offences against the state which are punishable with death.

Non-voluntary acts

14. No act, at the time of its commission, shall be deemed an offence if done by a person non-voluntarily and without the ability of controlling his acts, by reason of an act of God, or sudden illness, which makes him incapable of avoiding that act.

Necessity

15. No act shall be deemed an offence if done by a person compelled to do it by necessity to protect his person, honour or property or the person, honour or property of another from imminent grave danger which he has not willfully caused and which he has no ability to avoid; provided that no injury similar to the injury to be avoided or greater injury results; and provided that necessity does not justify causing death except in the performance of duty.

Accident

16. There shall not be deemed an offence anything which occurs accidentally in the exercise in good faith of a legal act which results in unexpected injury.

Consent

- 17.(1) No act is deemed an offence by reason of injury it causes to the body, or property of any person, who has given his consent expressly, or impliedly to that act.
 (2) The provisions of sub-section (1) shall not apply to acts which are likely to cause death, or grievous hurt.

Misconception of facts

18. No act is deemed an offence where the doer believes in good faith, by reason of mistake of facts, that he is permitted to do the said act.

Part III

Attempt and Criminal Joint Acts

Chapter I

Attempt

Definition of attempt

19. Attempt is the commission of an act which apparently indicates the intention to commit an offence, where the offence has not been consummated, due to a cause beyond the offender's will.

Penalty for attempt

- 20.(1) Whoever attempts to commit an offence shall be punished with imprisonment, for a term, which may not exceed one-half of the maximum term prescribed for that offence, and where attempt constitutes an independent offence, the offender shall be punished with the penalty prescribed therefor.

- (2) Where the penalty of any one offence is death or amputation, punishment for attempt thereof shall be imprisonment, for a term, not exceeding seven years.

Chapter II

Criminal Joint Acts

Joint acts in execution of criminal conspiracy

21. When an offence is committed by two or more persons in execution of criminal conspiracy between them, each of such persons shall be responsible for that offence in the same manner as if it is committed by him alone, and shall be punished with the penalty prescribed therefor.

Joint acts without criminal conspiracy

22. When an offence is committed by two or more persons without criminal conspiracy between them, every one of them shall be responsible for his act and shall be punished with the penalty prescribed for the offence constituted by such act.

Order to commit an offence and compulsion thereof

23. Whoever orders an immature person or a person of good faith to commit an offence, or whoever compels a person to commit such an offence, shall be responsible for it as if he has committed it alone, and shall be punished with the penalty prescribed for that offence.

Criminal conspiracy

- 24.(1) A Criminal conspiracy is an agreement between two or more persons to commit an offence.
- (2) With the exception of murder, armed robbery (hiraba) and offences against the state punishable with death, criminal conspiracy shall not be deemed a punishable offence unless an attempt is made to commit the offence; and in all cases, a retracted criminal conspiracy shall not be deemed an offence.
- (3) Whoever, commits the offence of criminal conspiracy shall be punished with imprisonment, for a term, not exceeding five years, and if an attempt is made to commit the offence, or the offence has been committed, he shall be punished with the penalty prescribed for the attempt or for the commission of the offence, as the case may be.

Abetment

- 25.(1) Abetment is the inducement of one person by another to commit an offence, or the ordering of any mature person under his control to commit it.
- (2) Subject to observing the limit of the penalty prescribed for the offence, whoever abets the commission of an offence shall be punished in accordance with the following :-
- (a) in case of the non-commission of the offence, or the attempt thereof, with imprisonment for a term not exceeding five years;
- (b) in case of the commission of the offence, or the attempt thereof, with imprisonment, for a term, not exceeding ten years, or with fine, or with both, and where the penalty prescribed for the offence is whipping, he shall be punished with whipping not exceeding half the penalty.
- (3) Whoever abets the commission of an offence and is present at the time of the commission thereof, shall be deemed to have committed that offence.
- (4) Whoever abets a by person to commit a certain act shall be responsible for any other act which constitutes an offence, committed by the abetted person if that other act is a probable consequence of the abetment.

Assisting

26. Whoever assists the commission of any act, which constitutes an offence, intending thereby to facilitate the commission thereof, shall be subject to the provisions of section 25, and shall be punished with the penalty prescribed for the abettor, as the case may be.

Part IV

Sanctions

Chapter I

Penalties

Death

- 27.(1) Death penalty shall be by hanging, lapidation, or in the same manner in which the offender caused death, and it may be by way of hud, retribution (qisas) or Ta'azir; and it may be accompanied by crucifixion.
- (2) With the exception of Hudud and retribution (qisas) offences, death sentence shall not be passed against any person, who has not attained the age of eighteen, or who exceeds seventy years of age.
- (3) Death sentence with crucifixion shall not be passed except for armed robbery (hiraba).

Retribution (qisas)

- 28.(1) Retribution (qisas) is the punishment of an intending offender with the same offensive act he has committed.
- (2) The right to retribution is initially established for the victim and then vests in his relatives .
- (3) In case of murder, retribution shall be death by hanging and, if the court sees fit, it shall be in the same manner in which the offender has caused death.
- (4) In the case of wounds retribution shall be in accordance with the provisions set out in Schedule I hereto.

Conditions of retribution (qisas)

29. For applying retribution for wounds, the following conditions shall be satisfied:-
- (a) similarity between the two organs in type, soundness and size, and there shall be no retribution except for a counter-part of the injured organ and a sound organ shall not be taken for a paralysed or defective one, nor a complete for an incomplete one, or an original for an additional, but the whole shall be taken, for the whole, and the part, for the part, as retribution may require, and
- (b) the possibility of fairly satisfying punishment for similar organs without the death of the offender resulting therefrom, or exceeding the injury which he has inflicted on the victim.

Retribution (qisas)

- 30.(1) An individual shall be executed for a group and a group for an individual.
- (2) Retribution (qisas) is multiple, in case of wounds by the multiplicity of unsimilar parts, in which case the smaller shall be included in the greater, except where the offender intends to deform the victim, retribution shall then be by two amputations, the smaller and the greater.
- (3) Where the offender amputates similar parts from several victims all off which are punishable with retribution he shall be punished with retribution if any of the victims so demands without prejudice to their right to claim complete or incomplete dia, as the case may be.
- (4) Where the offender amputates three parts, or more of one, or several victims, all of which are punishable with retribution he may be punished with retribution, for what he has amputated, or with death.

Remittance of retribution (qisas)

31. Retribution shall be remitted in any of the following cases :-
- (a) where the victim, or his relative is an offspring of the offender;
 - (b) where the victim, or some of his relatives have pardoned, with, or without consideration ;
 - (c) where the injury occurs with the consent of the victim;
 - (d) where sanity of the offender s hopeless, in case of his becoming insane, after the passing of the sentence of retribution (qisas) against him;
 - (e) extinction of the part subject to retribution, (qisas), in case of wounds.

Relatives of victim entitled to retribution (qisas)

- 32.(1) The relatives of a victim entitled to retribution (qisas) are his heirs at the time of this death.
- (2) Where the victim is a minor, or insane, or of unsound mind, he shall be represented by his relative, trustee or custodian and the court may wait until the attainment of puberty of the minor, if it deems fit.
 - (3) The State shall be guardian for every person who has no guardian, or the place of whose guardian is unknown or whose guardian is absent and there is no hope of his return.
 - (4) The relative of a victim in case of murder, or intentional wounds shall have the right to claim retribution, or dia, or reconciliation, upon an amount of money, or complete pardon; and in the two cases of semi-murder and negligently causing death, or wounds, he may claim dia, reconciliation or pardon; provided that a person representing a minor and anyone in the same status shall not pardon, save for consideration which shall not be less than the dia.
 - (5) The right of an unknown, or absent relative to retribution, or dia, or pardon shall revive, if he returns before execution of retribution (qisas) or payment of dia.
 - (6) Pardon may not be retracted from, if it is expressly made by consent.

Imprisonment and expatriation

- 33.(1) Penalty of imprisonment shall include :-
- (a) life imprisonment, the term of which shall be twenty years;
 - (b) exile which is imprisonment in a place far from the place where the offence is committed and from the offender's place of residence.
- (2) Expatriation is the restriction of the offender's residence away from the place where the crime is committed.

- (3) With the exception of armed robbery (hiraba) the imprisonment penalty may not be passed upon any person who has not attained eighteen years of age.
- (4) With the exception of armed robbery (hiraba), the imprisonment penalty may not be passed upon a person who is seventy years of age, and where the term of imprisonment is retracted, or remitted by reason of attainment of seventy years of age, there shall apply to the offender the penalty of expatriation for the term of imprisonment prescribed.
- (5) In calculating the whole term of imprisonment passed at the same trial for several offences the total term of imprisonment shall not exceed the term of life imprisonment.
- (6) Where the offence may be punished with fine only, the period of imprisonment determined by the court instead of payment of fine shall not exceed:-
 - (a) two months, if the amount of fine does not exceed £ 1000 ;
 - (b) four months, if the amount of fine does not exceed £5000;
 - (c) six months, in any other case.

Fine

- 34.(1) The court shall assess fine with reference to the nature of the offence committed, the amount of wrongful gain obtained thereby , the degree of the offender's participation and his financial status.
- (2) The court may order payment of fine, either in whole, or in part as a compensation for any person aggrieved of an offence, unless an independent judgment for compensation is passed.
- (3) When passing a judgment of fine, the penalty of imprisonment shall be passed as an alternative penalty in the case of non-payment of fine and if the convicted person pays part of the fine, the alternative term of imprisonment shall be shortened in proportion to the part paid of the total fine.
- (4) Fine shall be remitted by death.

Whipping

- 35.(1) Save in Hudud offences, no sentence of whipping shall be passed, upon a person, who attained sixty years of age, or a sick person, whose life would be endangered by whipping, or whose sickness would thereby be aggravated .
- (2) Where the penalty of whipping is remitted, by reason of age, or sickness, the offender shall be punished with an alternative penalty.

Forfeiture and destruction

- 36.(1) Forfeiture is the judgment vesting private property into the ownership of the State, without consideration, or compensation.
- (2) Destruction is the damaging of property, without consideration, or compensation.

Closing of premises

37. The penalty of closing premises is the judgment prohibiting the use of premises, or conducting in any way any business therein, for a period, not less than one month, and no exceeding one year.

Pardon of the offence

- 38.(1) The execution of Hudud shall not be remitted by pardon.
- (2) The execution of qisas shall not be remitted, save with pardon of the victim, or his relative.
- (3) The execution of the Ta'azir penalty may be wholly, or partially remitted by pardon of the public authority, in accordance with the Criminal Procedure Act, and without prejudice to the rights of any aggrieved person of the pardoned offence in obtaining compensation.

Chapter II

Ta'azir Pealty and Evaluation Thereof

Multiplicity of offence and persistent offenders

39. The court shall, when determining the appropriate Ta'azir penalty and evaluating it, take into consideration all the mitigating, or aggravating circumstances, and in particular, the degree of responsibility, motives for commission of the offence, seriousness of the act, grievousness of the injury, the dangerous nature of the offender, his position and previous convictions and all the other circumstances surrounding the incident.

Multiplicity of offences and its effect on penalties

- 40.(1) Where a single act constitutes more than one offence, the penalties shall overlap and only one penalty, which is the greater shall be inflicted.
- (2) Where offences are multiple, all penalties therefor, except forfeiture, shall be excluded by the death sentence passed for one of them.

Persistent offenders

- 41.(1) Where a person is convicted of any offence, which may be punished with imprisonment, and has previously been convicted twice for similar offences, the court shall punish him with imprisonment.

- (2) Where a person is convicted of any offence, which may be punished with imprisonment and has previously been sentenced with imprisonment twice, the court shall punish him with imprisonment, and the court shall warn the offender; and if after such warning the offender is convicted of any offence, which may be punished with imprisonment, committed during his imprisonment or during a year after his release, the court shall sentence him to imprisonment, for a term, not less than the maximum penalty prescribed for that offence.

Chapter III
Compensation
Dia (blood money)

- 42.(1) Dia (blood-money) is one hundred camels of different ages, or its equivalent value in money as the Chief Justice may determine from time to time, after consultation with the competent bodies.
- (2) Dia of wounds (arsh) and "ghura" are determined as set out in the Schedule II hereto.
- (3) Dia multiplies by the number of victims and not by the number of offenders in the offence punishable therewith, and payment of dia shall be equally borne by the offenders, if their participation is in execution of a criminal conspiracy between them, and in all other cases, dia shall be paid by each, according to his participation in the offence .
- (4) No other compensation shall be imposed alongside dia for homicide and wounds.
- (5) In case of homicide and wounds caused by negligence the amount of dia shall be decreased proportionately to the offender's participation in causing the offence.

Judgment of dia

43. The court shall pass judgment of dia in accordance with the Schedule II hereto, in any of the following cases :-
- (a) in murder and intentional wounds, if retribution (qisas) is remitted;
 - (b) in semi-murder and semi intentional wounds;
 - (c) in homicide and wounds caused by negligence;
 - (d) in homicide and wounds caused by a minor, or indiscriminate person.

To whom dia is due

44. Dia is due originally to the victim, and then passes on to his heirs, according to their shares in inheritance, and where the victim has no heirs, dia shall vest in the state.

Persons on whom dia is due and mode of collection therefrom

- 45.(1) Dia shall be due upon the offender in offences of murder or intentional wounds.
- (2) Dia shall be due upon the offender and his clan (aqila) in offences of semi-intentional and negligent homicide and wounds .
- (3) Clan (aqila) includes the paternal relatives of the offender, or his insurer, persons who are jointly liable with him, and his employer financially of the offence is committed during the course of his employment.
- (4) The dia of murder or intentional wounds, shall be immediately due, and may be postponed, or paid in instalments with the consent of the victim or his relatives, and dia of semi-murder or homicide caused by negligence, may immediately be due or paid by instalments, and the person responsible for the dia shall produce the necessary guarantee if requested by those entitled thereto.
- (5) Dia shall be collected, in accordance with the provisions of the Civil procedure Act.

Restitution of property or benefit or compensation

46. The court shall, upon conviction of the accused, order the restitution of any property, or benefit obtained by the offender, and it may, on application by the victim or his relatives, order compensation for any injury resulting from the offence, in accordance with the provisions of the Civil Transactions and Procedure Acts.

Chapter IV

Measures of Welfare and Reform

Measures prescribed for juveniles

47. The court may apply the following measures, against an accused juvenile, who has completed seven years of age, at the time of committing the criminal act, but not eighteen years of age :-
- (a) reprimanding, during the sessions in the presence of his guardian;
 - (b) whipping, not exceeding twenty lashes, by way of discipline;
 - (c) handing over the juvenile, to his father, or any other trustworthy person, after undertaking to properly look after him;

- (d) placing the juvenile, under social supervision, for a period, not less than one year, and not exceeding two years;
- (e) sending him to be detained in any of the reformation and social welfare institutions, for the purpose of reforming and educating him, for a term not less than two years, and not exceeding five years.

Measures prescribed for the elderly

48. Without prejudice to the implementation of Hudud penalties and the provisions relating to retribution (qisas), the court may where it sees fit after conviction of an elderly who has attained seventy years of age, take the following measures :-
- (a) handing the elderly over to his relative or any trustworthy person, after undertaking to properly look after him;
 - (b) expatriation for a term no exceeding that of imprisonment prescribed for the offence;
 - (c) consigning him to any of the reformatory and social welfare institutions, for a period not exceeding two years.

Measures prescribed for persons of unsound mind

49. The court may, if satisfied that the accused does not appreciate his acts by reason of a mental or psychological disease, order his detention in any of the institutions designated for the treatment of mental or psychological diseases; and it may entrust him to the care of his relative, or any trustworthy person, after undertaking to properly look after him.

Part V

Offences against the State

Undermining the constitutional system

50. Whoever commits any act with the intention of undermining the constitutional system of the country, or exposing to danger the unity and independence thereof, shall be punished with death, life imprisonment or for a lesser period. He may be subject to forfeiture of all his property.

Waging war against the State

51. There shall be deemed to commit the offence of waging war against the State, and punished with death, or life imprisonment, or imprisonment for a lesser term, and may also be subject to forfeiture of all property thereof, whoever :-

- (a) militarily wages war, against the State, by recruiting and training men and collecting arms and ammunitions, or attempts to do so, or abets the offender, or supports him in any manner; or
- (b) joins the military, or civil service of any state which is at war with the Sudan, and whoever involves himself in any commercial, or other transactions with it, or with the agents thereof; or
- (c) without the government permission, recruits and prepares within the Sudan, soldiers for the invasion of a foreign state, or does any offensive act, against a foreign state, which may expose the country to the danger of war; or
- (d) ruins, damages or injures, with intent to prejudice the military position of the country, any arms, supplies provisions, ships, aircrafts, means of transportation or any public building, or public utility, equipment such as electricity, water and others.

Dealing with an enemy state

52. Whoever, without permission therefor, joins the service of any state, which is declared by the Sudan as an enemy state, or involves himself in any commercial, or other transaction with it, or with the agents thereof, shall be punished with imprisonment, for a term, not exceeding ten years, or with fine, or with both.

Espionage against the country

53. There shall be deemed to have committed the offence of espionage and be punishable with death, or life imprisonment, or imprisonment for a lesser term, and may also be subject to forfeiture of all his property, whoever spies against the country, by communicating with any foreign state, or the agents thereof, or communicates, or conveys secrets thereto, with intent to assist it in its military operations, against the country, or prejudice the military position thereof. Where espionage is not committed with such intention, but is likely to prejudice the country politically, or economically, he shall be punished with imprisonment for a term, not exceeding ten years, or with fine, or with both.

Allowing and assisting prisoners of war to escape

54. Whoever, being a public servant charged with the custody of any prisoner of war, intentionally allows, or negligently suffers such prisoner to escape, and whoever knowingly, assists any prisoner of war to escape, harbors him, or resists the arrest thereof, shall be punished with imprisonment, for a term, not exceeding seven years, and he may be punished with fine.

**Disclosure and obtaining information
and official documents**

55. Whoever, without permission, obtains in any way, any secret matters, such as information, or documents relating to the affairs of the State, and whoever, without permission, or lawful excuse, discloses, or attempts to disclose such information, or documents, to any person, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both, and if the offender is a public servant, he shall be punished with imprisonment, for a term, not exceeding five years.

Disclosure of military information

56. Every person who, being in possession of information, as to the military affairs of the State, at any time discloses the same to any person, knowing that such disclosure prejudices the interest of the country, at the time, shall be punished with imprisonment, for a term, not exceeding five years, and he may be punished with fine.

Entering and photographing military areas and works

57. There shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both whoever:-
- (a) without permission, or lawful excuse, enters any military area; or
 - (b) without lawful permission, makes any photograph, sketch, plan or model of any military area, or works, or site the photograph of which may in any way be useful to the enemy, or any person being a dissident of the State; or
 - (c) is found near the vicinity of any military area or works in possession, without permission, or lawful excuse, of any instrument for photographing, or any material suitable for making photographs, sketches, plans or models.

Part VI
Offences Relating to Disciplined Forces
Abetment of mutiny

- 58.(1) Whoever abets any member of the disciplined forces, to commit mutiny, or disobedience, or abandon his duty towards the State, shall be punished with, imprisonment, for a term, not exceeding seven years, and he may be punished with fine.
- (2) Where mutiny is committed in consequence of such abetment, the abettor shall be punished, with imprisonment, for a term, not exceeding fourteen years.

**Abetment of deserting military service and
harboring of deserter**

- 59.(1) Whoever abets any member of the disciplined forces to desert military services, or harbors him, after such desertion, knowing that he is a deserter of military service, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.
- (2) The provisions of sub-section (1) shall not apply to any of the spouses, parents or sons and daughters, where they harbor one another.

**Wearing of military dress or using military token
or dealing therein by non-military persons**

- 60.(1) Whoever, not being a member of the disciplined forces, with the intention that others believe so, wears any uniform, or token resembling those used by such forces, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.
- (2) Whoever manufactures, or trades in any dress, or token referred to in subsection (1), or designates the same, to be used by his employees, without lawful permission therefor, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both, in addition to the forfeiture of such dresses, or tokens.

Unlawful drilling

61. Whoever not being a member of the disciplined forces, without lawful permission, makes drills, movements, or manouevours of military nature or participates in, or abets the same, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Inciting feelings of unrest among disciplined forces and abetment of disturbing order

62. Whoever incites feelings of dissatisfaction amongst members of the disciplined forces, or abets any member thereof to abstain from the performance of his duty, or commits any thing to disturb order, shall be punished, with imprisonment, for a term, not exceeding five years, and he may be punished with fine.

Part VII
Sedition

Calling for opposition to public authority by use of violence or criminal force

63. Whoever calls, publishes or propagates any call for the opposition of public authority, by way of violence, or the use of criminal force, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Provoking hatred against or amongst sects

64. Whoever provokes hatred, contempt or animosity, against any sect, or between sects, by reason of ethnic, colour, or language differences, in a manner which exposes the public peace to danger, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

Criminal and terrorist organizations

65. Whoever establishes, or directs an organization which designs for the commission of any offence, and whoever intentionally participates, or assists in such organization, whether the same operates inside, or outside the Sudan, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both. Where the offence for the commission of which such organization designs is armed robbery (hiraba), robbery, or any or the offences punishable with death, or terrorism by threatening the public, or the public authority, shall be punished, with imprisonment, for a term, not exceeding ten years, and may be punished with fine.

Publication of false news

66. Whoever publishes, or broadcasts any news item, rumour or report, knowing that the same is incorrect, intending thereby to cause apprehension, or panic to the public, or threat to the public peace, or diminution of the prestige of the State, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Part VIII
Offences relating to Public Tranquility
Rioting

67. There shall be deemed to commit the offence of rioting whoever participates in any assembly of five persons, or more whenever such assembly shows, or uses force, intimidation or violence and whenever the prevailing intention therein is achieving any of the following objects :-
- (a) resisting the execution of the provisions of any law or legal process;
 - (b) committing the offence of criminal mischief, criminal trespass or any other offence;
 - (c) exercising any existing, or alleged right in a manner which is likely to disturb public peace;
 - (d) compelling any person to do what he is not bound by law to do, or to refrain from doing what he is authorized by law to do.

Penalty of rioting

68. Whoever commits the offence of rioting, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine or with whipping, not exceeding twenty lashes, and where he carries a weapon, or instrument the use of which is likely to cause death, or grievous hurt, he shall be punished, with imprisonment for a term, not exceeding one year, or with fine, or with both.

Disturbance of public peace

69. Whoever causes a breach of public peace, or does any act with intent, or which is likely to cause a breach of public peace, or tranquility, in a public place, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or whipping, not exceeding twenty lashes.

Part IX
Offences relating to Public Health and Safety
Chapter I

Acts causing danger to Life and Property

Polluting water resources

- 70.(1) Whoever intentionally exposes the life, or safety of the people to danger, by adding poisonous, or injurious substance to a well, water reservoir or any public source of water, shall be punished, with imprisonment, for a term, not exceeding five years, and he may also be punished with fine.

- (2) Whoever contaminates, or pollutes water of a well, reservoir, or public source of water, in such a manner, as to lessen its fitness for the use for which it is designated, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

Polluting the environment

- 71.(1) Whoever contaminates, or pollutes the air, or water, or the general environment, so as to be likely to cause injury to the health of persons, animals or plants, shall be punished, with imprisonment, for term, not exceeding one year, or with fine, or with both, and where he is likely to endanger the life of people, he shall be punished, with imprisonment, for a term, not exceeding three years, and may be punished with fine.
- (2) Whoever contaminates, or pullouts the Sudan territorial waters, or water of the high seas adjacent to the Sudan territorial waters, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

Exposing ways and means of transport and communication to danger

72. Whoever exposes to danger any of the public ways and their means of inland, water or air transportation, or obstructs the same, in any way, or interrupts any of the means of public communication, shall be punished, with imprisonment, for a term, not exceeding three years, and he may also be punished with fine.

Stopping work in a manner causing danger to life or injury to the public

73. Whoever, being in charge of any of the works relating to public health, or safety, or a service of common benefit, and stops from work, in a manner which is likely to cause danger to the life of people, or serious injury, loss or annoyance to the public, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Negligence causing danger to persons or property

74. Whoever negligently commits any act which exposes people's life to danger, or which is likely to cause hurt, or injury to any person, or property, or omits to take the necessary measures to protect others from the danger of any person, animal, machine or material under his control, or in his possession, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Omission to provide necessary assistance

75. Whoever, having it in his power to assist any injured, unconscious person, or any person whose life is in peril, intentionally omits to render such assistance, as is possible, or does not expose him, or others to danger, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Breach of legal obligation towards a helpless person

76. Whoever, being charged, under a legal obligation with attending a person who, by reason of infancy, mental, or psychological instability, disease or bodily weakness is helpless, intentionally omits to perform such obligation, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Chapter II

Public Nuisance, Alcohol, and Gambling

Public nuisance

- 77.(1) There shall be deemed to commit the offence of public nuisance whoever commits any act which is likely to cause public injury, danger, or annoyance to the public, or to those persons, who occupy, or reside, in a neighbouring place, or to persons exercising any of the public rights.
- (2) The court may, whenever it deems fit, issue an order to the offender, for stopping, and not repeating the nuisance, and may punish him, with imprisonment, for a term, not exceeding three months or with fine, or with both.

Drinking alcohol and nuisance

- 78.(1) Whoever, being a moslem, drinks alcohol, or possesses, manufactures the same, shall be punished, with whipping for lashes.
- (2) Without prejudice to the provisions of sub-section (1), whoever drinks alcohol, and thereby provokes the feelings of others, causes annoyance, or nuisance thereto, or drinks the same in public place, or comes to such place, in a state of drunkenness shall be punished, with imprisonment, for a term, not exceeding one month, or with whipping, not exceeding forty lashes, and may also be punished with fine.

Dealing in alcohol

79. Whoever deals in alcohol, by storing, sale, purchase, transport, or possesses it with the intention of dealing therein with others, or mixing the same with food, drink or in any substance used by the public, or advertises or propagates, for it in any way, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine. In all cases alcohol, which is the subject of dealing, shall be destroyed.

Gambling or running a place for gambling

- 80.(1) Whoever gambles, or runs any game or activity which consists of gambling, or runs a house, or a place for that object, or abets any of the same, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with whipping, not exceeding twenty five lashes, and the house, or place may be closed, or forfeited, if it is owned by the offender, or used with the knowledge of the owner.
- (2) Gambling shall include the drawing of lottery, and any other game of luck.

Habitual commission of certain offences

81. Whoever commits, for the third time, any of the offences provided for in sections 78, 79 and 80, shall be punished, with imprisonment, for a term, not exceeding three years, or with whipping, not exceeding eighty lashes, or with both, and the means of transport and tools, used in the commission of such offence, shall be forfeited, if any of the same is owned by the offender, or used with the knowledge of the owner.

Chapter III

Food, Drinks and Drugs

Sale of noxious food

82. Whoever intentionally offers for sale, or displays any article of food, or drink, which is injurious to health, or unfit for food, or drink, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Adulteration of food and dealing therein

- 83.(1) Whoever adulterates any article of food, or drink, by extracting from it, or adding thereto, anything so as to decrease its quality, substance or nature, in any way, with the intention of selling the same as fit or, in bad faith, sells, offers or exposes for sale any adulterated food, or drink, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

- (2) Whoever, knowingly, sells any article of food, or drink, of not of the quality, substance or nature demanded by the purchaser of the article, or which the seller represents to be fit, shall be punished, with imprisonment, for a term, not exceeding one month, or with fine, or with both.

Adulteration of drugs and dealing therein

- 84.(1) Whoever adulterates any drug, or medical preparation, in any manner, as to decrease the efficacy, or change the effect of the same, or to make it injurious to health, with the intention to sell the same as fit, and whoever, in bad faith, sells, offers or exposes for sale any drug, or medical preparation, with such description, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.
- (2) Whoever, in bad faith, sells, offers or exposes for sale any drug, or medical preparation, different from the prescribed one, or of which the prescribed period of fitness has expired, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Sale of carcass

- 85.(1) Whoever sells, offers for sale or serves a carcass, knowing that the same will be used for human food, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.
- (2) Carcass means a dead terrestrial animal whether it died naturally or slaughtered in a manner contrary to Sharia.

Offering of prohibited food or drink

86. Whoever offers, to any person, any food or drink knowing that the same is prohibited, by his religion or that person's religion, or offers, for the public, food for humans, consisting of a substance which he knows to be prohibited by his religion or the religion of some of them, without disclosing the same to such persons, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Chapter IV

Cruelty to animals

- 87.(1) Whoever treats an animal with apparent cruelty, torture, or ill-treats it, or overburdens, or overuses any animal, which is used for work, by reason of age, or disease, or who neglects any animal, shall be punished with fine.

- (2) The court may, on conviction, order the animal to be temporarily placed under the care of a competent body, and may also order the offender, or owner of the animal to pay such sum, as it deems suitable, for maintenance and treatment of such animal, and it may, wherever necessary, order the killing of the animal.

Part X
Offences relating to Public
Servants and Employees
Bribery

88.(1) Bribery is deemed to be committed by :-

- (a) whoever gives, or offers to a public servant, or employee, or agent of another any gratification, whatever, to render any service, in which he has interest, or disservice, to any other person, which contravenes the duties of his post, or any gift, or privilege, in circumstances, in which such influence, on the public servant, or the employee, or the agent, is a propable consequence;
 - (b) the public servant, or the employee, or the agent, who accepts, or asks for himself, or for another, gratification, in the manner specified in paragraph (a);
 - (c) whoever tries, or assists in giving, or accepting any gratification, in the manner specified in paragraphs (a) and (b);
 - (d) whoever benefits, from any gratification, or service, or advantage, knowing that it has been obtained by any of the means specified in this section.
- (2) Whoever Commits the offence of bribery, shall be punished, with imprisonment, for a term, not exceeding two years, and he may be punished, with fine, and in all cases, any property obtained by reason of the offence, shall be forfeited.

Public servant disobeying law with intent to
cause injury or protection

89. Any public servant disobeying any direction of law, as to the way in which he is to conduct himself, as a public servant, or omits to perform any of the duties of his post, as such public servant, intending thereby:-
- (a) to cause injury, to any person, or to the public, or to cause any unlawful benefit to any other person; or
 - (b) to save any person, from any legal punishment, or mitigates the penalty, or delays the infliction thereof; or

- (c) to save any property, from forfeiture, or from any attachment, or charge to which it is prescribed by law, or to delay any of these proceedings, shall be punished, with imprisonment, for term, not exceeding two years, or with fine, or with both.

Public servant misusing the power to commit persons for trial or to confinement

90. Every person, who being a public servant authorized by law to commit persons for trial, or to confinement, commits any of such things, knowing that in so doing he is acting contrary to law, shall be punished, with imprisonment, for a term, not exceeding three years, and he may also be punished with fine.

Public servant intentionally omitting to arrest or assisting a person to escape

91. Every person who, being a public servant, whose duty as such public servant, is to arrest, or, keep any person in custody, intentionally, or negligently omits to arrest such person, or intentionally, or negligently allows such person to escape, or cause him negligently to escape, shall be punished according to the following provisions :-
- (a) if the person is sentenced to death, he shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine;
 - (b) if the person is sentenced to any other penalty, or if he is charged with, or liable to be arrested of any offence, he shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

Public servant unlawfully buying or bidding for property

92. Every person who, being a public servant, purchases, by himself, or through another, property under his control, or sells the same, to a relative, or a partner, or participates in a tender to perform a duty relating to his office, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

Personating a public servant

93. Whoever dishonestly personates a public servant, or claims, or pretends that he is the same, or wears the dress of a public servant, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

**Non-attendance contrary to an order from a
public servant**

94. Every person, who having been required by a summons, notice, order or proclamation issued by a competent public servant, to attend in person, or by his agent, at a certain time and place, intentionally, or without reasonable cause, refuses, or omits to attend, at the certain time and place, or departs from that place before the time, at which he is permitted to depart, shall be punished, with imprisonment, for term, not exceeding one month, or with fine, or with both.

Preventing summons to attend or removing it

95. Whoever intentionally prevents any summons, notice order or public proclamation issued by a competent public servant, or prevents executing, or removes the same, shall be punished, with imprisonment, for a term, not exceeding one month, or with fine, or with both.

Omission to produce document or deliver statement

96. Whoever is bound by law to produce a document, or anything else, or to deliver any statement, or information to a public servant, intentionally omits to produce, or deliver the same, in the prescribed manner, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Furnishing false information

97. Whoevery furnishes a public servant with false information, knowing that the same is false, intending thereby to mislead such public servant, or to compel him to do a certain act, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Answering questions or signing statements

98. Whoever is required by a competent public servant to answer questions which he is legally bound to answer, or to sign statements made by him, refuses to do the same, shall be punished, with imprisonment, for a term, not exceeding one month, or with fine, or with both.

**Obstructing public servant from performing
the duties of his office**

99. Whoever obstructs, assaults or uses criminal force with a public servant, to prevent him to perform his duties of his office, or by reason of performing such duties, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Omission to assist public servant

100. Whoever, being legally bound to render assistance to any public servant in the exercise of his public duty, intentionally omits to give such assistance, shall be punished, with imprisonment, for a term, not exceeding one month, or with fine, or with both.

Contravention of residence order

101. Whoever is ordered by a competent public servant to reside in a certain district, or is prohibited from residing in a certain district, intentionally contravenes such order, or prohibition, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

**Contravention of an order by a public
servant relating to property**

102. Whoever contravenes an order directing the taking of a certain measure relating to property in his possession, or under his control, knowing that such order is issued by a competent public servant, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.

Threat to public servant

103. Whoever directs to any public servant any threat of injury, thereby inducing such public servant to do any act connected with his office, or to forbear therefrom, or adjourn the same, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Part XI
Offence Prejudicing the Administration
Of justice
False testimony and fabricating false
evidence

- 104.(1) Whoever gives false testimony, by making false statements which he knows to be false, or conceals during giving testimony all, or part of what he knows of the facts of the case in a manner which influences judgement thereof, or fabricates, or produces false evidence, knowing it to be false, intending thereby to influence judgement in the case, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.
- (2) If as a result of giving false testimony, or fabricated false evidence, the judgement was executed on the person against whom such testimony was made, the offender shall be punished with the specified penalty of the offence of which the judgement was executed.
- (3) Fabricating false evidence includes preparing a document which includes false statements, or contrary to the truth, or signing the same, or finding circumstances, or conditions contrary thereto.

Using evidence known to be false

105. Whoever gives, or fabricates evidence based or created on false testimony as genuine evidence, while knowing the truth thereof, shall be punished in the same manner, as if he gave false evidence in the fabricated false evidence.

Damage or concealment of evidence

106. Whoever conceals, or damage any document, or any material evidence, with the intention or preventing the same from being produced, or used as evidence before a court, or in any legal proceeding before a public servant, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Screening or harboring offenders

- 107.(1) Whoever knowing that an offence has been committed, causes any evidence of the commission of the offence to disappear, or gives any information respecting the offence which he knows to be incorrect, or harbors, or conceals any person whom he knows to be the offender, with the intention of screening such person from legal punishment, or prevents his arrest, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both, and where the penalty prescribed for the said offence is death, or imprisonment for a term of ten years, or more,

he shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

- (2) The provisions set out in sub-section (1) shall not apply to any of the spouses, or the parents, or the sons and daughters, in case of screening or harboring each other .

**Accepting gratification to screen
an offender from punishment**

- 108.(1) Whoever accepts, or gives another any property, or gratification in consideration for concealing an offence, or protecting any person, from legal responsibility, for any offence, or from inflicting the penalty thereon, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.
- (2) The provisions of sub-section (1) shall not apply to persons, who may pardon, or reconcile offences, with the exception of those punishable with retribution (qisas), or blood money (dia).

Resisting lawful arrest or rescuing the arrested

109. Whoever offers any resistance, or illegal obstruction to the lawful arrest of any person, or intentionally rescues, or attempts to rescue any person from any confinement, or custody in which that person is lawfully detained, shall be punished, with imprisonment, for a term, not exceeding seven years, or with fine, or with both.

**Resistance or obstructing by a person to his
lawful arrest or escape**

- 110.(1) Whoever, intentionally offers resistance, or illegal obstruction to the lawful arrest of himself, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.
- (2) Whoever escapes or attempts to escape, from the custody in which that person is lawfully detained, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

**Fraudulent dealing with property to prevent the
attachment or the execution thereof**

111. Whoever :-

(a) dishonestly removes, or conceals property, or interest therein, or releases, or disposes of the same, with the intention to prevent the attachment of such property, or interest, or taking the same in execution of a judgement, or order issued, or which he knows that it is likely to be issued from a court, or other competent public authority ;

- (b) accepts, or receives, or claims any property or interest therein, knowing that he has no right therein, with the intention of preventing the said attachment, or execution of such property, or interest therein, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Suits for the protection of creditor or depriving debtors

112. Whoever :-

- (a) Causes, or suffers a decree, or order to be passed in a false suit, by a person for property, or interest therein, intending thereby to deprive his creditors from satisfying their rights in such property by legal means; or
- (b) receives a decree, or order, or execution against any person in a false suit in property, or interest in property, intending thereby to protect the debtor, or to deprive the creditors of satisfying their rights in such property, by legal means, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Personating others

113. Whoever personates another, and thereby makes any admission, or statement, or causes any legal process to be taken, or becomes surety, or guarantor, or does any other act in any civil or criminal action, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

False accusation

114. Whoever, with intent to cause injury to any person, institutes, or causes to be instituted any criminal proceedings, against that person, or falsely accuses any person with having committed an offence, knowing that there is no reasonable, or lawful ground for such proceedings, or accusation, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Influencing course of justice

- 115.(1) Whoever intentionally does any act which tends to influence the fairness of judicial proceedings, or any legal proceedings relating thereto, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

- (2) Every person who, having public authority entices, or threatens, or tortures any witness, or accused, or opponent to give, or refrain from giving any information in any action, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

**Insult to public servant exercising
judicial proceedings**

116. Whoever intentionally directs any insults to any public servant, while such public servant is exercising judicial proceedings, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

Part XII
Offences of Counterfeiting and Forgery
Counterfeiting currency

117. Whoever makes, without lawful permission, or counterfeits any coin, or note in circulation in the Sudan, or in any other state, intending to deal therewith, or, knowing such currency to be counterfeited, imports the same to the Sudan, or exports them therefrom, or circulates, or possesses the same, intending to deal therewith, shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.

Counterfeiting revenue stamps

118. Whoever makes, without permission, or counterfeits postal, or revenue stamps, or any other revenue stamps, intending to deal therewith, or knowingly imports the same to the Sudan, or circulates, or possesses them with intention to deal therewith, or dishonestly uses stamps, knowing that they have been previously used, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

**Making and possession of
counterfeiting instruments**

119. Whoever in any manner makes, or possesses, or deal in any machinery, or tools or materials, with intention to use them in unpermitted making, or counterfeiting currency, or revenue stamps, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

Making and counterfeiting seals and official marks

120. Whoever makes, or counterfeits, or possesses any token, or official mark, or any of the seals of the State, or persons intending to use any of them in the commission of forgery, shall be punished, with imprisonment, for a term, not exceeding five years, and he may be punished with fine.

Using false units of weights and measures

121. Whoever makes, or possesses, or uses, or deals, in any manner, with any instrument of weighing or any false weight, or measure, knowing that the same is false, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

Forgery of documents

122. There shall be deemed to commit the offence of forgery of documents, whoever fraudulently makes, or fabricates, or conceals, or partially damages a document, or makes a substantial change therein, in order to use the same in bringing legal consequences.

Penalty for forgery of documents

123. Whoever commits the offence of forgery of documents, or knowing a document to be forged uses, or delivers the same to another, with the intent of using it, shall be punished, with imprisonment, for a term, not exceeding five years, and may also be punished with fine; where this is committed by a public servant, during the performance of his duty, he shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.

Alteration of a document by a public servant

124. Whoever, being a public servant, or a person charged with public service, and while writing a document, knowingly registers facts, or neglects to prove facts, shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.

Part XIII
Offences Relating to Religions
Insulting religious creeds

125. Whoever, by any means, publicly abuses, or insults any of the religions, their rites, or beliefs, or sanctities or seeks to excite feelings, of contempt and disrespect against the believers thereof, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with whipping which may not exceed forty lashes.

Apostasy (Ridda)

- 126.(1) There shall be deemed to commit the offence of apostasy, every Moslim, who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof, by an express statement, or conclusive act.
- (2) Whoever commits apostasy, shall be given a chance to repent, during a period to be determined by the court; where he insists upon apostasy, and not being a recent convert to Islam, he shall be punished with death.
- (3) The penalty provided for apostasy shall be remitted whenever the apostate recants apostasy before execution.

Defiling and disturbing places of worship

127. Whoever destroys, or defiles any place of worship, or any object held sacred by any group of persons, or obstructs, or disturbs any religious assembly, without lawful reason, intending thereby to insult that religion, or class of persons, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Trespassing on the dead and cemetery

128. Whoever trespasses on any cemetery, or desecrates graves, or offers any indignity to any human corpse, or commits any act, or deals with it in a manner violating the sanctity of death, without religious, or legal excuse, or intentionally causes a disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Part XIV
Offences Affecting Persons and Human Body
Homicide and its types

129. Homicide is the causing of death of a living human being, whether intentionally, semi-intentionally or by negligence.

Murder

- 130.(1) Homicide is deemed to be murder, where the offender intends it, or where he intends the commission of an act, and death is the probable consequence of such act.
- (2) Whoever commits murder, shall be punished with death by retribution, and where retribution is remitted, he shall be punished, with imprisonment, for a term, not exceeding ten years, without prejudice to the right of dia.

Semi-intentional homicide

- 131.(1) Homicide is deemed to be semi-intentional when the offender causes it by a criminal act on the human body without intending to cause death, and death is not a probable consequence of such act.
- (2) Notwithstanding the provision of section 130(1), culpable homicide shall be deemed to be semi-intentional in any of the following cases :-
- (a) where a public servant, or a person charged with a public service, exceeds, in good-faith the limits of the power authorized thereto, believing that his act which has caused the death, is necessary for the performance of his duty;
 - (b) where the offender commits culpable homicide by exceeding, in good-faith, the limits prescribed by law for the exercise of the right of self-defence;
 - (c) where the offender commits culpable homicide under the influence of compulsion or threat of death;
 - (d) where the offender commits culpable homicide in the case of necessity, for the protection of himself or any other, from death;
 - (e) where the offender commits culpable homicide with the consent of the victim;
 - (f) where the offender, during loss of self control, by reason of sudden grave provocation, causes the death of the person, who gave the provocation, or any other person by mistake;
 - (g) where the offender exaggerates, or exceeds the limits of the power authorized thereto in the lawful act, and death occurs as a result;
 - (h) where the offender commits culpable homicide, without premeditation, during a sudden fight, and without his having taken undue advantage, or acted in a cruel, or unusual manner.
 - (i) where the offender commits culpable homicide, under the influence of mental, psychological or nervous disturbance, which manifestly affects his ability to control his acts.

- (3) Whoever commits the offence of semi-intentional homicide shall be punished, with imprisonment, for a term, not exceeding five years, without prejudice to the right of appeal.

Homicide by negligence

- 132.(1) Homicide is deemed to be culpable homicide by negligence where it is not murder, or semi-intentional homicide, and the offender causes it by negligence, or by the lack of caution, or by an unlawful act.
- (2) Whoever, commits the offence of culpable homicide by negligence shall be punished, with imprisonment, for a term, not exceeding three years, without prejudice to the right of appeal.

Attempt to commit suicide

133. Whoever attempts to commit suicide, by attempting to kill himself by any means, shall be punished, with imprisonment, for a term not exceeding one year, or with fine, or with both.

Abetment of suicide of child or insane person

134. Whoever abets a child below puberty, or an insane person, or a person in the state of drunkenness, or under the influence of a mental, or psychological disturbance to commit suicide, shall be punished, with imprisonment, for a term, not exceeding one year and where the suicide occurs as a result of abetment, he shall be punished with the penalty prescribed for murder.

Abortion

- 135.(1) There shall be deemed to commit the offence of abortion whoever intentionally causes a woman to miscarry a quick unborn child, unless the miscarriage occurs in any of the following cases :-
- (a) where the miscarriage is necessary to save the mother's life;
 - (b) where the pregnancy, is the result of rape which has occurred before not more than ninety days and the pregnant woman has desired the miscarriage thereof;
 - (c) where it is proved that the quick unborn child has died in his mother's womb;
- (2) Whoever commits the offence of abortion shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or both, without prejudice to the right of appeal, and where abortion has occurred after the lapse of more than ninety days from the date of pregnancy, he shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

Act leading to abortion

136. Whoever, knowing any woman to be pregnant, does an act which causes her to miscarry, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both, without prejudice to the right of dia.

Causing the death of a quick unborn child

137. Whoever commits an act leading to the death of a quick unborn child in his mother's womb, or to its being born dead, or to its death after birth, without such act being necessary to save the mother's life, or protect her from grave harm, shall be punished, with imprisonment, for a term not exceeding two years, or with fine, or with both, without prejudice to the right to dia.

Wounds and their types

- 138.(1) Whoever causes to another person a loss of an organ in his body, or the mental function or of any of the senses, or limbs, or causes any fracture, or wound in body, shall be deemed to cause wounds.
- (2) Wounds may be intentional, or semi-intentional, or by negligence, and in differentiating between them the same consideration made in differentiating between the three types of homicide shall be observed.

Penalty for causing intentional wounds

- 139.(1) Whoever commits the offence of causing intentional wounds, shall be punished, with retribution (qisas), where its conditions are satisfied, and where the conditions are not satisfied, or retribution (qisas) is remitted, he shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both, without prejudice to the right of dia.
- (2) Whoever commits the offence of causing intentional wounds in the Southern States shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both, without prejudice to the right of dia.

Penalty for causing semi-intentional wounds

140. Whoever commits the offence of causing semi-intentional wounds, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both, without prejudice to the right of dia.

Penalty for causing wounds by mistake

141. Whoever commits the offence of causing wounds by mistake, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both, without prejudice to the right of dia.

Hurt

- 142.(1) There shall be deemed to commit the offence of hurt whoever causes any pain, or disease to another person, and shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both.
- (2) Where hurt has occurred by dangerous means, such as poison, or intoxicating drugs, or where hurt is caused with the intention of drawing a confession from another, or compelling that other to do an act contrary to the law, the offender shall be punished, with imprisonment, for a term, not exceeding two years, and may also be punished with fine.

Criminal force

143. There shall be deemed to commit the offence of the use of criminal force, whoever uses force upon another person, without that person's consent, intending to commit any offence, or to cause harm, or fear, or annoyance to such person, and shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Intimidation

- 144.(1) There shall be deemed to commit the offence of intimidation whoever :-
- (a) threatens to harm another, or any person in whom that other is interested, intending thereby to threaten, or compel him to do what he is legally not bound to do, or forbear from doing what he is legally bound to do;
 - (b) makes any gesture, or preparation intending thereby to use criminal force, or knowing that such gesture, or preparation is likely to make any person present to apprehend that he is about to use criminal force, against him.
- (2) Whoever commits the offence of intimidation shall be punished, with, imprisonment, for a term, not exceeding six months, or with fine, or with both.

Part XV
Offences of Honour, Reputation and Public Morality
Adultery (Zina)

- 145.(1) There shall be deemed to commit adultery :-
- (a) every man, who has sexual intercourse with a woman, without there being a lawful bond between them;
 - (b) every woman, who permits a man to have sexual intercourse with her, without there being a lawful bond, between them.
- (2) Sexual intercourse takes place by the penetration of the whole glans, or its equivalent into the vulva.
- (3) There shall not be deemed, to be lawful bond, marriage which, by consensus, is ruled void.

Penalty for adultery

- 146.(1) Whoever commits the offence of adultery shall be punished with :-
- (a) execution, by lapidation, where the offender is married (muhsan);
 - (b) one hundred lashes, where the offender is not married (non-muhsan).
- (2) The male, non-married offender may be punished, in addition to whipping, with expatriation for one year.
- (3) Being "muhsan" means having a valid persisting marriage at the time of the commission of adultery; provided that such marriage has been consummated.
- (4) Whoever commits adultery, in the Southern States, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both, and where the offender is (muhsan), with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Remittance of the penalty of adultery

147. Penalty of adultery shall be remitted for any of the following two reasons :-
- (a) if the offender retracts his confession, before execution of the penalty, where the offence is proved by confession only ;
 - (b) if the witnesses retract their testimony, thereby lessening the nisab of such testimony.

Offence of sodomy

- 148.(1) There shall be deemed to commit sodomy, every man who penetrates his glans, or the equivalent thereof, in the anus of a woman, or another man's, or permits another man to penetrate his glans, or its equivalent, in his anus .

- (2) (a) whoever commits the offence of sodomy, shall be punished, with shipping a hundred lashes, and he may also be punished, with imprisonment, for a term, not exceeding five years;
- (b) where the offender is convicted for the second time, he shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding five years;
- (c) where the offender is convicted for the third time, he shall be punished, with death, or with life imprisonment.

Rape

- 149.(1) There shall be deemed to commit the offence of rape, whoever makes sexual intercourse, by way of adultery, or sodomy, with any person without his consent.
- (2) consent shall not be recognized, where the offender has custody, or authority over the victim.
- (3) Whoever commits the offence of rape, shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding ten years, unless rape constitutes the offence of adultery, or sodomy, punishable with death.

Incest

- 150.(1) There shall be deemed to commit the offence of incest, whoever commits the offence of adultery, or sodomy, or rape with any person being one of his ascendants, or descendants, or their spouses, or with his brother, or sister, or any of the issue thereof, or the maternal, or paternal uncle or aunt.
- (2) Whoever commits the offence of incest, shall be punished, with the penalty prescribed for the offence constituted by his act. In cases other than those punishable with death, he shall be punished, with an additional penalty of imprisonment, for a term, not exceeding five years.

Gross indeceny

- 151.(1) There shall be deemed to commit the offence of gross indeceny, whoever commits any act contrary to another person's modesty, or does any sexual act, with another person not amounting to adultery, or sodomy, and he shall be punished, with whipping, not exceeding fourty lashes, and he may also be punished, with imprisonment, for a term, not exceeding one year, or with fine.
- (2) Where the offence of gross indeceny is committed in a public place, or without the consent of the victim, the offender shall be punished, with whipping not exceeding eighty lashes, and he may also be punished, with imprisonment, for a term, not exceeding two years, or with fine.

Indecent and immoral acts

- 152.(1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding fourty lashes, or with fine, or with both.
- (2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs.

Materials and displays contrary to public morality

- 153.(1) Whoever manufactures, photographs, possesses or handles any material contrary to public morality, shall be punished, with imprisonment, for a term, not exceeding one month, or with whipping, not exceeding fourty lashes, and he may also be punished with fine.
- (2) Whoever deals in materials contrary to public morality, or manages an exhibition or theatre, or entertainment club, or show house, or any public place, and presents therein materials, or displays contrary to public morality, or allows the display thereof, shall be punished, with whipping, not exceeding sixty lashes, or with imprisonment, for a term, not exceeding three years, or with both.
- (3) The court shall, in all cases, order the destruction of the materials which contradict public morality, and the forfeiture of any equipment and instruments used in such display and an order may also be passed for the closing of the premises.

Practising prostitution

- 154.(1) There shall be deemed to commit the offence of practising prostitution, whoever is found in a place of prostitution so that it is likely that he may exercise sexual acts, or earn therefrom, and shall be punished, with whipping, not exceeding hundred lashes, or with imprisonment, for a term, not exceeding three years.
- (2) Place of prostitution means any place designated for the meeting of men, or women, or men and women between whom there are no marital relationship, or kinship, in circumstances in which the exercise of sexual acts is probable to occur.

Running a place for prostitution

- 155.(1) Whoever runs a place for prostitution, or rents premises, or allows their use, knowing that it is used as a place for prostitution, shall be punished, with whipping, not exceeding a hundred lashes, and with imprisonment, for a term, not exceeding five years, and an order may be made for the closing of the premises, or forfeiture thereof.
- (2) Whoever is convicted, for the second time, under the provisions of sub-section (1), shall be punished, with whipping, not exceeding a hundred lashes, and with imprisonment, for a term, not exceeding ten years, together with forfeiture of such place.
- (3) Where the offender is convicted, for the third time, he shall be punished, with death, or life imprisonment, together with forfeiture of the premises .
- (4) In all cases judgement of forfeiture of the premises shall not be passed, unless the premises are owned by the offender, or used under his knowledge.

Seduction

156. Whoever seduces any person by inducing, taking or assisting in taking, or abduction of such person, or hiring him to commit the offence of adultery, or sodomy, or obscene practising prostitution, or gross indecency, or obscene acts, or acts contrary to public morality, shall be punished, with whipping, not exceeding a hundred lashes, or with imprisonment, for a term, not exceeding five years, and if the person so seduced is a minor, or a person of unsound mind, or if the exercise of any of such acts is intended to be committed outside the Sudan, he shall be punished, with whipping, not exceeding a hundred lashes, and with imprisonment, for a term, not exceeding seven years.

False accusation of unchastity

- 157.(1) There shall be deemed to commit the offence of false accusation of unchastity (Qazf) whoever falsely, whether expressly, or by implication, or in writing, or clear signal, imputes adultery, or sodomy, or negation of lineage, to a chaste person, even if such person is dead.
- (2) A person is deemed to be chaste when he has not been convicted of adultery, or sodomy, or rape, or incest, or practicing prostitution.
- (3) Whoever commits false accusation of unchastity (Qazf) shall be punished, with whipping eighty lashes.

**Remittance of the penalty for
false accusation of unchastity (Qazf)**

158.(1) The penalty for false accusation of unchastity (Qazf) shall be remitted in any of the following cases :-

- (a) exchange of defamatory statements, where it is proved that the aggrieved person, or the complainant has returned the same defamatory statement to the offender;
 - (b) pardon by the falsely accused person, or the complainant, before the execution of the penalty ;
 - (c) by (Li'an); between the spouses.
 - (d) where the falsely accused person is a descendent of the accuser.
- (2) Where the penalty for false accusation (Qazf) is remitted, for any of the reasons set out in sub-section (1), the offender shall be punished with the penalty prescribed for the offence of defamation.

Defamation

159.(1) There shall be deemed to commit the offence of defamation, whoever publishes, or narrates, or otherwise communicates, to another, by any means, facts imputed to a specific person, or evaluation of his conduct, intending thereby to injure his reputation.

(2) A person shall not be deemed to intend to injure the reputation of another in any of the following cases :-

- (a) where he made it in the course of judicial proceedings to the extent required by the same, or a publication of such proceedings;
- (b) where he, or another person has a lawful complaint, or interest to be expressed, or protected respectively, which cannot be achieved, without the imputation of such facts or evaluation of the particular conduct;
- (c) where it is made about a person elected for a public office, or assumes the same, with intent to evaluate his capacity, or his performance, to the extent that such evaluation is necessary;
- (d) where it is made about a person in the course of an advice for the interest of another person intending to deal with, him, or for the public interest;
- (e) where the facts are imputed in good-faith to a person, who is reputed of and in the habit of doing them, or who publicly does what is imputed to him;
- (f) where it is made in the course of evaluation of a person, who has placed himself, or his work for judgment, by the public opinion, and such evaluation is to the extent necessary for such judgment.

- (3) Whoever commits the offence of defamation shall be punished with imprisonment for a term not exceeding six months or with fine or with both.

Insult and abuse

160. Whoever directs insults or a buse not amounting to false accusation (Qazf), or defamation, to any person, intending thereby to humiliate him, shall be punished, with imprisonment, for a term, not exceeding one month, or with whipping, not exceeding twenty five lashes, or with fine.

Part XVI

Offences against Personal Liberty

Abduction

- 161.(1) Whoever abducts any person below puberty, or insane person, by taking, or inducing him, in order to remove him away from the custody of his lawful guardian, without the consent of such guardian, shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.
- (2) The provisions of sub-section (1), shall not apply to any person who alleges the right of custody, or guardianship, or trusteeship, or any lawful authority.

Kidnapping

162. Whoever kidnaps any person, by compelling him, or by any means of deceit, induces him to leave a certain place, with intent to commit an offence on his person, or his liberty, shall be punished, with imprisonment, for a term, not exceeding ten years, or with fine, or with both.

Forced labour

163. Whoever commits forced labour, on any person, by unlawfully compelling him to work, against his will, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Unlawful confinement

164. Whoever confines any person, by intentionally obstructing him so as to prevent his movement, or unlawfully changes his direction, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both.

- (b) life imprisonment, if his act results in the commission of the offence of rape;
- (c) imprisonment, for a term, not exceeding ten years, if his act results in robbery of property, or grievous hurt;
- (d) imprisonment, for a term, set exceeding seven years, in the cases other than those set out in paragraphs (a), (b) and (c).

Remittance of penalty of armed robbery (Hiraba)

- 169.(1) The penalty for armed robbery (Hiraba) shall be remitted if the offender voluntarily abandoned the commission of armed robbery (Hiraba), and declared his repentance, before arresting him.
- (2) The remittance, by repentance of the penalty of armed robbery (Hiraba), shall not prejudice the rights of the victim, or his guardian, in the dia, or compensation, or return of property.
 - (3) If the penalty for armed robbery (Hiraba) is remitted, the offender may be subject to imprisonment, for a term, not exceeding five years.

Capital theft

- 170.(1) There shall be deemed to commit the offence of capital theft, whoever covertly takes, with the intention of appropriation, any movable property belonging to another; provided that the property shall be taken out of its (hirz) and be of a value not less than the (nisab).
- (2) Covertliness includes covertly violating the hirz and the seizure of property openly, or forcibly.
 - (3) Property belonging to another includes public property, and property of wakfs, and places of worship.
 - (4) Hirz means the place where property is kept, or the manner in which the particular property, or the similar types thereof are normally kept, or that of the custom of the people of the country, or the particular profession; and property shall be deemed to be in hirz whenever it is guarded.
 - (5) The Nisab shall be a Dinar of gold weighing 4.25 grams., or its value in money, according to what the Chief Justice may determine, from time to time, in consultation with the competent bodies.
 - (6) Where a group of people participate in the taking, regard as to the (nisab), shall be had to the total of property taken and not to what each of them has individually taken.

Penalty of capital theft

- 171.(1) Whoever commits the offence of capital theft shall be punished with amputation of the right hand, from the wrist joint.

- (2) Where the offender is convicted for a second time, he shall be punished, with imprisonment, for a term, not less than seven years.

Remittance of the penalty of hud in capital theft

172.(1) The penalty of hud in capital theft shall be remitted in any of the following cases:-

- (a) where theft has taken place between ascendants and descendants, or between spouses, or relatives of the prohibited degree (arham);
- (b) where the offender is in a case of necessity, and does not take from that property more than what is sufficient to satisfy his need, or the need of his dependents, for the sake of food, or treatment, and not exceeding the (nisab);
- (c) where the offender has, or believes, in good-faith to have a share in stolen property, and such stolen property does not exceed that share with what amounts to the (nisab);
- (d) where the offender has a debt unsatisfied by the victim of the theft and the victim is unwilling to pay, or dilatory and the debt is due, before the theft and the amount of money stolen by the offender is equal to, or more than, his debt, by more than the (nisab);
- (e) where, before being brought for trial, the offender restitutes, to the victim, his alleged stolen property, and declares his repentance, or becomes the owner of the alleged property in question, and in addition to that, he is not previously accused, or convicted of offences against property;
- (f) where the offender retracts his confession, before the execution of the penalty, and the capital theft has been proved by confession only;
- (g) where the victim is permitted to enter the (hirz);
- (h) where amputation exposes the life of the offender to danger, or if his left hand is amputated, or paralysed.

Penalty of capital theft when the hud is remitted

173. Where the penalty of hud is remitted in the offence of capital theft, by any of the cases mentioned in section 172, the offender may be punished, with imprisonment, for a term, not exceeding seven years, or with fine, or with both, and he may also be punished with whipping, not exceeding a hundred lashes.

Theft

- 174.(1) There shall be deemed to commit the offence of theft, whoever dishonestly takes any movable property belonging to another, from his possession, without his consent.
- (2) Whoever commits theft shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine, or with whipping, not exceeding one hundred lashes.

Robbery

- 175.(1) There shall be deemed to commit robbery, whoever commits the offence of theft, or capital theft, or using criminal force, or threat thereof, when attempting the offence, or during, or upon escape.
- (2) Whoever commits the offence of robbery, shall be punished with imprisonment, for a term, not exceeding three years, in addition to any other prescribed penalty, for what results from his act.

Extortion

- 176.(1) There shall be deemed to commit extortion, 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 him, or to another, any property, or document of title.
- (2) Whoever commits extortion, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.
- (3) Where the offence of extortion is committed by threat of death, or grievous hurt, or kidnapping, or accusation of an offence punishable with death, the offender shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.

Criminal breach of trust

- 177.(1) There shall be deemed to commit the offence of criminal breach of trust, whoever being entrusted with property, or with any domination over property, dishonestly denies, or misappropriates or converts it to his own use, or the use of another, or wastes, or disposes of that property with gross negligence, in violation of the term, of trust, and shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.
- (2) Where the offender is a public servant, or an employee of another person, and entrusted, in such capacity, with property, he shall be punished, with imprisonment, for a term, not exceeding fourteen years, together with fine, or with death.

Cheating

- 178.(1) There shall be deemed to commit the offence of cheating, whoever by deceiving any person induces him dishonestly, and thereby causes illegal profit to himself, or another, or causes injury, or wrongful loss to that person, or another.
- (2) Whoever commits the offence of cheating shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.
- (3) Whoever, for the third time, commits the offence of cheating, shall be punished, with imprisonment, for a term, not exceeding five years, and he may also be punished with fine.

Giving or endorsing dishonoured cheque

- 179.(1) A person shall be deemed, to have committed the offence of giving, or endorsing a dishonoured cheque who, in fulfilment of an obligation, or for consideration, draws to any person a bank cheque which is dishonoured, for any of the following reasons :-
- (a) he has no account, with the drawee, at the time the cheque is presented for payment;
 - (b) he has insufficient funds, with the drawee, and this fact is known to him;
 - (c) he, or whoever he authorizes has countermanded the payment of the cheque, without a reasonable cause;
 - (d) he has knowingly drawn the cheque in an unacceptable manner.
- (2) Whoever commits the offence of giving a dishonoured cheque shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.
- (3) Whoever endorses or delivers to another, a bank cheque and such bank cheque is dishonoured, in the manner set out in sub-section (1), with knowledge of the reason of such dishonour, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.
- (4) Whoever commits, for the third time, the offence of giving or endorsing a dishonoured cheque, shall be punished with imprisonment, for a term, not exceeding seven years, and he shall also be punished with fine.

Criminal misappropriation

- 180.(1) There shall be deemed to commit the offence of criminal misappropriation whoever takes, or finds property belonging to another, or borrows, or possesses the same, through mistake, and denies such property, or dishonestly disposes thereof.
- (2) Whoever commits the offence of criminal misappropriation, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both.

Receiving Stolen Property

- 181.(1) There shall be deemed to be stolen property, any property, the possession of which has been transferred dishonestly, to another, by armed robbery (Hiraba), or theft, or extortion, or criminal breach of trust, or cheating, or criminal misappropriation.
- (2) Whoever receives, or retains, or helps in concealing any stolen property, knowing the same to be stolen property, shall be punished, with imprisonment, for a term, not exceeding five years, and he may also be punished with fine.
- (3) Whoever commits, for the third time, the offence of receiving stolen property, shall be punished, with imprisonment, for a term, not exceeding seven years, and he may also be punished with fine.

Criminal mischief

- 182.(1) There shall be deemed to commit the offence of criminal mischief, 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 site thereof, or destroys, or diminishes the value, or utility, or injuriously affects it.
- (2) Whoever commits the offence of criminal mischief, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both; where mischief occurs due to making the use of fire, or burning, or explosive or poisonous materials, the offender shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.
- (3) Whoever commits mischief, to public property, or utility, shall be punished, with imprisonment, for a term, not exceeding five years, and he may also be punished with fine.

Criminal trespass

- 183.(1) There shall be deemed to commit the offence of criminal trespass, whoever enters into any property, or movable property in the possession of another person, or remains, or enters therein by unlawful manner, intending thereby to intimidate, or annoy that person, or deprive him of his right.
- (2) Whoever commits the offence of criminal trespass, shall be punished, with imprisonment, for a term, not exceeding six months, or with fine, or with both; where the trespass occurs with the intention of the commission of an offence, or using criminal force, he shall be punished, with imprisonment, for a term, not exceeding three years, and he may also be punished with fine; where the same occurs by night, or with the use of a weapon, or offensive tool, he shall be punished, with imprisonment, for a term, not exceeding five years, and he may also be punished with fine.

Lurking with criminal intention

184. Whoever is found lurking by night carrying equipment, or an instrument suitable for theft, or criminal trespass, or for use of criminal force so that it is probable that he has a criminal intention, shall be punished, with imprisonment, for a term, not exceeding one year, and he may also be punished with fine.

Manufacturing an instrument for a criminal purpose

85. Whoever manufactures an instrument, or makes an imitation of a key, or makes a plan intending to use the same in the commission of offences against property, shall be punished, with imprisonment, for a term, not exceeding one year, or with fine, or with both.

Schedule I
Limbs and Wounds for which there is Retribution

1. A sighted eye, where wholly pulled out.
2. The nose, up to the tip .
3. A sound ear, hearing is immaterial.
4. A lip, where wholly severed, part thereof is immaterial.
5. A tooth, where the competent medical body decides that no alternative therefor is expected.
6. The tongue, where wholly severed .
7. A hand, where severance is from a joint, and the victim shall have the dia of the part exceeding the joint, in case of excess.
8. A foot, for which the provisions of the hand shall apply.
9. Finger tips, fingers, toe tips and fingers and toes of hands and feet, where severance is from a joint.
10. The penis, where wholly severed, or severance is from the glans.
11. The testicles, and one shall be taken, for its counterpart; on condition of guaranty of the soundness of the other.
12. Exposing wounds, which are such as end with a bone.

Schedule II
Dia

1. Dia shall be full for murder.
2. Dia, for wounds, shall be full in the following cases :-
 - (a) upon severance of one of the unilateral limbs of the body;
 - (b) upon severance of two of double limbs , or one thereof, where the same results in the loss of the function of both;
 - (c) all the fingers of both hands, or toes of both feet;
 - (d) upon loss of the functions of the brain, senses and limbs;
 - (e) upon loss of all the teeth.
3. Dia, for wounds, shall be half ($\frac{1}{2}$) in the following cases :-
 - (a) upon loss of one of double limbs;
 - (b) upon loss of function of one of double limbs.
4. Dia, for wounds, shall be one-tenth ($\frac{1}{10}$), upon loss of a finger or toe half one-tenth ($\frac{1}{20}$), upon loss of the tip of the thumb, or big toe, and one-third of one-tenth ($\frac{1}{30}$), upon loss of one tip of the other fingers and toes.
5. Dia, for wounds, upon loss of a tooth, half one-tenth ($\frac{1}{20}$).
6. Dia, for body wounds, shall be as follows :-

(a) Ja'ifa", which results in wound piercing up to the chest, or abdominal cavity, one-third ($\frac{1}{3}$);

(b) where a "Ja'ifa" pierces through to the other side, the same shall be deemed two Ja'ifas, and for them, there are two-thirds ($\frac{2}{3}$).

7. Dia, for fractures, shall be as follows :-

(a) dia for "A'mma", which reaches the brain cortex, one-third ($\frac{1}{3}$);

(b) dia for "Damigha", which reaches the brain, one-third ($\frac{1}{3}$);

(c) dia for "Nagila", which dislocates the bone, three one-tenth ($\frac{3}{10}$);

(d) dia for "Hashima", which smashes the bone of the head, or face; one-tenth ($\frac{1}{10}$);

(e) dia of "Muadiha", which exposes the bone, half one-tenth ($\frac{1}{20}$).

8.(1) Dia of a foetus, where miscarried and died, full.

(2) Dia of a foetus, where miscarried dead "Ghurra", half one-tenth ($\frac{1}{20}$).

(3) Dia shall be multibe with multphcity of foetuses.