

PENAL CODE

Act No. 1/66
25-10-1966

CHAPTER 3

False evidence, false oath and offences against court or legal proceedings

False evidence 62. False evidence is given:

When a declaration is made in or relevant to the subject of an investigation or a proceeding conducted under judicial or legal authority or by a person authorized under the authority of Court or Law, falsely or assuming it to be likely or ought to be true or without knowing or verifying the true or untrue nature of that declaration.

When a document or thing used or likely to be used in any form or circumstance in or relevant to the subject of an investigation or a proceeding conducted under judicial or legal authority or by a person authorized under the authority of Court or Law, or where a gesture of a person, act of writing or deleting a thing or any act done in such investigation or proceeding causes or is likely to cause any person involved in such investigation or proceeding, or any responsible official or judge to make a false opinion, or form an erroneous understanding or estimation or decide the matter,.

By a person depending on how a document signed by him in the capacity of a witness as correct while it contained an untrue statement is subsequently used. Whether it was

used in a manner that amounted to giving false evidence shall be determined by the Judge.

Penalty for giving false evidence

63. Whoever gives false evidence shall be punished with imprisonment not exceeding 1 year or subjected to a fine not exceeding Mrf. 1,000.00 or exile or house detention not exceeding 2 years.

Where a person is sentenced to capital punishment based upon false evidence and where that sentence is executed

64. Where it is established subsequent to an innocent person being sentenced under the Law for the time being in force or by the Court to capital punishment based upon false evidence and after having executed that sentence, that the evidence given by the witness was false and that it was given intentionally, the person who gave that evidence shall be subjected to the most severe punishment permissible under Islamic Law for that offence.

Where that sentence is not executed

However if the evidence is established to be false prior to the execution of that sentence, the person who gave that evidence shall be punished with exile or imprisonment between 1 year and 4 years or subjected to a fine between Mrf. 500.00 and Mrf. 4,000.00.

Where a person is exiled or imprisoned for a period of 7 years or more based upon false evidence

65. Where it is established subsequent to a person being convicted upon false evidence and sentenced to exile or imprisonment for a period of or exceeding 7 years that the evidence was given intentionally to procure such punishment the person who gave such false evidence shall be punished with imprisonment or exile for a period which ever is greater between the period served already by the person falsely convicted or 2 years.

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| Submission of an untrue certificate in judicial proceedings | 66. It shall amount to giving false evidence if an untrue certificate or document is intentionally submitted by a person who is bound to state the truth before the Court or Law or before a person authorized by judicial or legal authority. Such offender shall be punished with exile or imprisonment for a period not exceeding 2 years or a fine not exceeding Mrf. 1,000.00. |
| False information is false evidence | 67. It shall amount to giving false evidence if an untrue document or certificate is shown as evidence knowing it to be false..

It shall also amount to giving false evidence if a certificate or document is submitted while it has a material point that is false. It shall be the same where such a document is submitted without ascertaining its true or untrue nature. |
| Taking false oath | 68. False oath for the purposes of this Law shall mean the act of swearing before a Judge falsely and by the name of God Almighty where the defendant is bound to take an oath in circumstances where the claimant has failed to substantiate his claim due to lack of evidence or where he is under such obligation in accordance with the principles of <i>Shari'ah</i> . |
| Penalty for taking false Oath | 69. Whoever takes false oath shall be punished with imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00 or exile not exceeding 2 years. |
| Concealing any evidence in relation to a capital offence | 70. Whoever in the proceedings of a capital offence conceals any evidence of the commission of the offence or does any act that prevents any person from obtaining that evidence |

or makes a fabricated statement with the intention to conceal or corrupt such evidence shall be punished with exile or imprisonment between a period of 2 years and 4 years or a fine between Mrf. 300.00 and Mrf. 4,000.00.

Concealing any evidence relating to an offence punishable with imprisonment or exile for life or a period exceeding 10 years

71. Whoever conceals or does any act to prevent any person from obtaining evidence or to mislead him in that endeavor in relation to an offence punishable with imprisonment or exile for life or exile or imprisonment for a period exceeding 10 years shall be punished with exile or imprisonment for a period not exceeding 3 years or a fine between Mrf. 200.00 and Mrf. 2,000.00.

72. This section is repealed on 20-9-2001 by [Law No. 1/66] Law Relating to the Eighth Amendment to Maldives Penal Code Chapter 3.

Concealment or destruction of document required by Court

73. Whoever in protection or defense of the offender or offenders conceals, destroys, puts fire on or cause to lose a document that is required before judicial proceedings or before a competent official authorized by Law for the purposes of administering justice shall be punished with exile or imprisonment not exceeding 2 years or fine not exceeding Mrf. 500.00.

Transfer of one's property knowing it is or is likely to be forfeited by court

74. Whoever conceals any property or document relating to property or causes it disappearance or destruction, or transfers its ownership to another person knowing that such property maybe forfeited or such forfeiture is likely to occur during proceedings before a court or a competent legal authority, he shall be punished with exile or imprisonment not exceeding 2 years or fine not exceeding

Mrf. 500.00 or fine together with imprisonment or fine together with exile.

Instituting false charge

75. Whoever institutes a claim against another person with the intention to cause inconvenience, loss or injury to that person without lawful basis shall be punished with a fine not exceeding Mrf. 200.00.

Assisting offenders

76. Giving assistance to an offender for the purposes of screening him from legal punishment is an offence. In this regard:

- a. Whoever assists an offender who has committed an offence punishable with death shall be punished with exile or imprisonment between 2 years and 4 years or a fine not exceeding Mrf. 2,000.00.
- b. Whoever assists an offender who has committed an offence punishable with exile or imprisonment for a period of or exceeding 10 years shall be punished with exile or imprisonment between 1 year and 3 years or a fine not exceeding Mrf. 1,000.00.
- c. Whoever assists an offender who has committed an offence punishable with jail or exile for a period between 1 year and 10 years shall be punished with exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 500.00.
- d. A person who assists his father, mother, child, wife or husband shall not be held guilty as provided in

this section.

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| Taking reward for assisting an offender | 77. | <p>a. Whoever accepts or agrees to accept or attempts to obtain any reward, gift or money or bribe for assisting an offender or seen to touch upon such assistance as provided in Section 76 (a) shall be punished with exile or imprisonment not exceeding 1 year in addition to imposing the punishment applicable under the relevant categories of that section.</p> <p>b. Whoever agrees to give or gives or insists upon giving such gratification as specified in section (a). shall be punished with exile or imprisonment not exceeding 1 year in addition to imposing the punishment applicable under the relevant categories of section 76.</p> |
| Assisting offender who has escaped from custody | 78. | <p>Whoever conceals an offender who has escaped from custody contrary to Law or regulations while being convicted and serving a custodial sentence or does not give notice of that person to the competent authority charged with his apprehension or fails to alert relevant government authority shall be punished.</p> |
| Assistance during escape to offender sentenced to death | a. | <p>Where the offender who has escaped from custody is given a capital sentence, a person who provides any assistance as provided above shall punishable with exile or imprisonment between 2 years and 5 years.</p> |
| Assistance during | b. | <p>Where the offender who has escaped from custody</p> |

escape to offender
sentenced 10 or
more years

is punished with exile or imprisonment for or which exceeds a period of 10 years the person who provides any assistance as provided above shall be punishable with exile or imprisonment between 1 year and 3 years.

**Assistance during
escape to offender
imprisoned or
exiled for a period
between 1 to 10
years**

c. Where the offender who has escaped from custody is punished with exile or imprisonment for a period between 1 year and 10 years, the person who has provides any assistance as provided above shall be punished with exile or imprisonment not exceeding 1 year.

79. It shall be an offence for a person to personate another before a competent legal or judicial authority and in such assumed character to make any statement or admission or conduct or cause to conduct any act or part thereof considered to be valid in *Shari'ah* or Law.

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

**Public servant
committing
unlawful act to
mitigate person's
punishment**

80. Every public servant who intentionally commits an unlawful act for the purposes of saving a person from due punishment or mitigating the sentence awarded in respect of an offence committed by that person, shall be punished with exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.

Where steps taken by a public servant in contravention of Law make it possible to facilitate the prevention of an

offender from due punishment or its mitigation, such steps shall fall within the ambit of this section. This section also covers any intentional alteration made by a public servant to a document of *Shari'ah* or Law.

**Public servant
using authority to
arrest or detain
innocent persons**

81. It shall be an offence for any public servant to use the authority of his office to intentionally arrest or detain any innocent person in a manner contrary to Law. A person guilty of this offence shall be punished with exile or imprisonment for a period not exceeding 3 years or a fine not exceeding Mrf. 2,000.00

**Persons in
detention or
confinement
escaping or
absconding due to
negligence of public
servant**

82. It is an offence for a public servant who is bound by reason of judicial or legal authority to apprehend offenders or attend to persons kept in confinement to allow in those circumstances and due to his negligence offenders to escape or abscond from custody or apprehension.

- a. Where the person who absconded or escaped from custody or apprehension, is a person who is required to be apprehended under a charge for homicide or awarded a sentence of capital punishment the negligent public servant shall be punishable with exile or imprisonment not exceeding 5 years or a fine not exceeding Mrf. 3,000.00.
- b. Where that person is convicted of an offence for which the punishment is between exile or imprisonment exceeding 10 years to life or is

already serving such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligent public servant shall be punishable with exile or imprisonment not exceeding 3 years or a fine not exceeding Mrf. 2,000.00.

- c. Where that person is convicted of an offence for which the punishment is exile or imprisonment not exceeding 10 years or is already serving such a sentence or is required to be apprehended for an offence for which that punishment is applicable, the negligent public servant shall be punishable with exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00.
- d. Offenders convicted in absentia are also included within the ambit of this section.

**Obstruction to
apprehend or
detain offender**

- 83. a. Whoever obstructs the lawful apprehension of himself or another person or other persons for any offence committed or accused of being committed shall be punishable with exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00.
- b. Whoever obstructs, arrest or detention of a person who is serving a sentence of exile or imprisonment for a period between 10 years to life or charged with or accused of an offence for which such punishment is applicable shall be punished with exile or imprisonment not exceeding 4 years or a fine not exceeding Mrf. 1,500.00.

- c. Where the obstruction is towards one's own arrest or detention, the offender shall suffer punishment for obstruction of detention or arrest in addition to being punished for the offence with which he is charged.

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

- 84. Whoever while being exiled for life returns prior to him being directed to return in accordance with judicial or legal authority shall be punished with rigorous imprisonment for 1 year and on having served that sentence shall be subjected to exile for completion of previous sentence.

**Interruption of
lawful judicial or
legal proceedings**

- 85.
 - a. Whoever intentionally and after due warning commits an act that is likely to interrupt or cause inconvenience to judicial or legal proceedings lawfully being conducted (except by committing assault on the judge, or a person in his office or any of his officers or officials) shall be punished with a fine not exceeding Mrf. 500.00.
 - b. Where any act specified in sub-section (a) was committed intentionally involving assault on any officer or official of the judge, the person guilty of that offence shall be punished with exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 1,000.00.
 - c. Where any act specified in sub-section (a) was committed intentionally involving assault on the judge or judges, that offender shall be punished with exile or imprisonment not exceeding 2 years

or a fine not exceeding Mrf. 1,500.00.

- d. Where an act specified in sub-sections (a),(b) and (c) was committed while being armed with or in possession of a sword, gun, sharp object or any other thing which if used as a weapon of offence can be likely to cause death of a person, then the gravity of the offences mentioned in each of those sub-sections shall be multiplied by three times and so shall be multiplied the punishment given in respect thereof.

Obstructing public servant in discharge of his functions

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

Failure to assist public servant authorized by judicial or legal

87. a. Whoever intentionally refrains from assisting while being bound by judicial or legal authority to render or furnish assistance to any public servant in the execution of his public duty or functions

authority

shall be punished with exile or imprisonment not exceeding 6 months or a fine not exceeding Mrf. 500.00

- b. Where such assistance was required by the public servant for giving effect to any order or directive of the State in relation to the administration of justice or prevent or disperse an unlawful assembly or for the purposes of maintaining public order, the person who fails to render or furnish such assistance shall be punished with exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.

**Disobedience to
order issued under
or authorized by
judicial or legal
authority**

- 88. a. It is an offence to disobey an order lawfully issued under judicial or legal authority. A person guilty of this offence shall be punished with exile or imprisonment or house detention not exceeding 6 months or a fine not exceeding Mrf. 150.00.
- b. Where such disobedience resulted in loss or injury to a person's body, property or a member of his senses, the offender shall be punished with exile or imprisonment not exceeding 1 year or a fine not exceeding Mrf. 250.00.
- c. Where such disobedience was likely to cause death of a person, the offender shall be punished with exile or imprisonment not exceeding 2 years or a fine not exceeding Mrf. 1,000.00.

- d. Where such disobedience resulted in the death of a person, the offender shall be subjected to punishment prescribed by Islamic Law.

“Injury”

89. “Injury” in this Chapter shall mean, loss caused in contravention of Law to the body or property of a person excepting “grievous hurt”.

This Law shall come into effect from 1 January 1967.