

CHAPTER 1

GRENADA

AN ACT to establish a Code of Offences punishable on Summary Conviction and on Indictment.

Acts Cap 76  
1958 Revision  
23/1962  
32/1962  
1/1963  
7/1964  
5/1966  
10/1966  
45/1972  
18/1973  
35/1973  
36/1973  
12/1974  
3/1980  
16/1993  
36/1993

[20th January, 1987]

PRELIMINARY

- 1. This Act may be cited as the Short title  
**CRIMINAL CODE,**  
and is hereinafter referred to as "this Code."
- 2. This Code is divided into Books, Parts and Titles, as follows:— Arrangement of the Code

BOOK I

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- TITLE I             PRELIMINARY MATTERS

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TITLE III SPECIAL EXPLANATIONS RELATION TO CERTAIN OFFENCES

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TITLE VI GENERAL EXEMPTIONS

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TITLE XIX LIBEL

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TITLE XXI MISAPPROPRIATIONS AND FRAUDS

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TITLE XXIII FORGERY AND FALSE COIN

PART IX OFFENCES AGAINST PUBLIC ORDER, HEALTH AND MORALITY

TITLE XXIV OFFENCES AGAINST THE SAFETY OF THE STATE

TITLE XXV OFFENCES AGAINST THE PUBLIC PEACE

TITLE XXVI PERJURY AND OBSTRUCTIONS OF PUBLIC JUSTICE

TITLE XXVII OFFENCES RELATING TO PUBLIC OFFICES AND TO PUBLIC ELECTIONS

TITLE XXVIII BIGAMY AND SIMILAR OFFENCES

TITLE XXIX PUBLIC NUISANCES

PART X OFFENCES AGAINST NATIONAL FINANCIAL INTEGRITY

TITLE XXX MAIL, WIRE AND ELECTRONIC FRAUDS (SEE P.P. 155-158)

## BOOK I

## GENERAL PROVISIONS

## PART I

## INTRODUCTORY PROVISIONS

## TITLE I

## PRELIMINARY MATTERS

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

“act” includes any act or omission, and any series of acts or omissions, and any combination of acts and omissions;

“administer”, when used with reference to administering any substance to a person, means the causing the substance to be taken or introduced into any part of a person’s body, whether with or without his knowledge or consent;

“cattle” means the male, female or young of any animal of any of the following kinds, namely: any horse, ass, mule, kine, sheep, goat or swine, and any animal, other than a dog, which is ordinarily kept or used as a beast of burden, or for draught, or for ding, or for the production of wool or of hair;

“corporation” does not include a corporation sole;

“crime” means any act punishable by death or imprisonment;

“deliver” includes the causing a person to receive a thing and the permitting a person to take a thing, whether directly or by any other person;

“duress” means any force, harm, constraint or threat, used with intent to cause a person against his will to do or to abstain from doing any act;

An indictable offence on conviction for which a person can, without proof of his having been previously convicted of crime be sentenced to death, or to imprisonment with hard labour for three years or more, is a “felony” whether it be actually prosecuted summarily or on indictment;

“gaming house” means any building or premises kept or used by any person without lawful authority, for the purpose of directly or indirectly making gain by providing any facilities for betting or for the playing of any game of chance for money or money’s worth;

“Gaoler” means the keeper or other officer having the charge of any prison;

“Health officer” includes every Government medical officer, and any person appointed as health officer of sanitary authority in virtue of the provision of any act;

“Imprisonment” means, in the case of imprisonment for three years or more, imprisonment with hard labour, and, in the case of imprisonment for less than three years, imprisonment with or without hard labour, as the Court in its discretion thinks fit to direct;

“indictable offence” means any offence punishable under Book III. of this Code, or punishable on indictment under any other law;

“indictment” includes a criminal information triable before a jury;

“industrial school” means a school for the industrial training of children, whether convicted or not; in which children are lodged, fed and clothed, as well as taught, and shall include any premises declared to be an industrial school under Subsection (1) of Section 78A of this Act;

“judicial proceedings” includes any civil or criminal trial, and any inquiry or investigation held by a judicial officer in pursuance of any duty or authority;

“misdemeanour” means any crime which is not a felony;

"night" means the time between the hour of nine in the evening of any day and the hour of five in the following morning;

"peace officer" means any person being or acting as a constable or special constable, or lawfully acting in aid of any such person;

"person" includes any body of persons, corporate or unincorporate; and, for the purposes of any provision of this Code relating to defrauding a person or to committing any offence against the property of any person, the Government of this State or of any other place or state, shall be deemed to be a person;

"prison" means the public prison of the State or any lock-up house, police cell, or other duly authorized place of detention, whether such place of detention is, in the case of a juvenile offender sent thereto, situate within the State or in any other British Possession in the West Indies or the Republic of Guyana.

Expressions referring to "the public" refer not only to the whole of Her Majesty's subjects within the jurisdiction of the Courts, but also to the persons inhabiting or using any particular place or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct with reference to which such expressions are used;

"public place" includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open Court;

"public way" includes any highway, market place, square, street, bridge, or other way which is lawfully used by the public;

Acts are done "publicly"—

- (a) if they are so done in any public place, as to be likely to be seen by any person, whether such person be or be not in a public place; or
- (b) if they are so done in any place, not being a public place, as to be likely to be seen by any person in any public place;

"send" includes the causing, or attempting in any manner to cause, a thing to be received by a person;

"statute" means any Act and any orders or rules made under the authority of any Act;

"summary offence" means any offence punishable under Book II. of this Code, or punishable on summary conviction under any other law;

"vehicle" includes cart, bicycle, tricycle, and any other carriage on wheels;

"vessel" means any kind of ship, boat or raft, whether used for navigating the sea or for any inland navigation and includes any aircraft;

"will", when used with respect to a document, means any testamentary document, whether the same be formal or informal, complete or incomplete.

(2) In Book I. of this Code, unless the context otherwise requires—

"the Court" means either a Magistrate's Court in the exercise of its jurisdiction in respect of summary offences or the Supreme Court in the exercise of its criminal jurisdiction, according to the circumstances of the particular case.

(3) In Book II. of this Code, unless the context otherwise requires—

"the Court" means a Magistrate's Court in the exercise of its jurisdiction in respect of summary offences;

"complaint" includes any information or charge;

"defendant" means the person against whom a complaint has been made;

"instrument of obeah" means any philtre, vial, blood, bone, image or other article or thing, which according to the testimony of two or more credible witnesses, is used or intended to be used in the practice of obeah;

"obeah" means any pretended assumption of supernatural power or knowledge, whatever, for fraudulent or illicit purposes, or for gain, or for the injury of any person;

"order" includes any conviction.

(4) In Book III. of this Code, unless the context otherwise requires—

"the Court" means the Supreme Court in the exercise of its criminal jurisdiction.

4. (1) In this Code, "company" includes any partnership or association whether corporate or unincorporate, and whether the purposes thereof be or be not the carrying on of any trade or business, and whether it be in course of formation or be actually formed, or be in course of dissolution, winding up or liquidation.

(2) A company is in course of formation so soon as any act is done for the purpose of forming it; and it is immaterial whether or not it be at any time actually formed.

(3) "officer" of a company or corporation includes any officer, chairman, director, trustee, manager, secretary, treasurer, cashier, clerk, auditor, accountant or other person provisionally, permanently or temporarily charged with or performing any duty or function in respect of the affairs of the company or corporation, whether for or without any remuneration.

(4) "account", when used with reference to a company or corporation, includes any book, register, balance sheet or document in writing relating to the affairs of a company or corporation, whether such affairs be or be not the ordinary business or object of the company or corporation.

5. In this Code, "public officer" means any person holding any of the following offices, or performing the duties thereof, whether as a deputy or otherwise, namely—

- (a) any civil office, including the office of Governor, the power of appointing a person to which or of removing a person from which is vested in Her Majesty, or in the Governor-General or in any public commission or board; or
- (b) any office to which a person is nominated or appointed by statute or by public election; or
- (c) any civil office, the power of appointing to which or of removing from which is vested in any person or persons holding public office of any kind included in either of the two last preceding sub-heads of this section; or
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any Court; or
- (e) any Justice of the Peace;

A person acting as a minister of religion or ecclesiastical officer, of whatever denomination, is a public officer in so far as he performs functions in respect of the notification of intended marriage or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect:

"civil office" means any public office other than an office in the military or naval service of Her Majesty;

"public office" means the office of any public officer;

"judicial officer" means any person executing judicial functions as a public officer.

It is immaterial, for the purposes of this section, whether a person be or be not entitled to any salary or other remuneration in respect of the duties of his office:

"public election" means any election the qualification for voting at which, or the mode of voting at which, is determined or regulated by law.

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6. (1) An expression to which in this title a meaning is assigned, either explicitly or by a reference to any other part of this Code, has that meaning throughout this Code, unless in any case the context in which, or the matter with respect to which, the expression is used requires that a different meaning should be assigned to it.

(2) Any definition or explanation of a word shall be applied to the derivatives or different grammatical forms of that word so far as it is applicable thereto, and shall also be applied in construing any provision of this Code to the matter of which that definition or explanation is relevant, although neither that word nor any of its derivatives or different grammatical forms occurs or occur in such provision.

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7. The following general rules shall be observed in the construction of this Code, namely—

- (a) all the provisions of Book I. shall be applied to and be deemed to form part of every provision of Books II. and III., in so far as they are applicable to the matter of that provision, and are not expressly or by necessary implication excluded, limited or modified with respect to that matter;
- (b) this Code shall not be construed strictly, either as against Her Majesty or as against a person accused of any offence, but shall be construed amply and beneficially for giving effect to the purposes thereof; and
- (c) in the construction of this Code, a Court shall not be bound by any judicial decision or opinion on the construction of any other statute, or of the Common Law, as to the definition of any offence or of any element of any offence.

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8. The jurisdiction of the Courts of this state for the purposes of this Code, extends to every place within this State or within one marine league of the coast thereof, measured from low water mark.

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9. When an act which, if wholly done within the jurisdiction of the Court, would be an offence against this Code, is done

partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or abets any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

10. No person shall, except as in the next succeeding section provided, be liable to punishment by the Common Law, or in any manner otherwise than according to the provisions of this Code, for any act done within the jurisdiction of the Court.

Exclusion of  
other laws

11. Nothing in this Code shall affect—

Saving of  
certain laws

- (a) the liability, trial or punishment of a person for an offence against any statute other than this Code; or
- (b) the liability of a person to be tried or punished for an offence under the provisions of any Act relating to the jurisdiction of Colonial Courts, in respect of acts done beyond the ordinary jurisdiction of such Courts; or
- (c) the power of any Court to punish a person for contempt of such Court; or
- (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code; or
- (e) any power of Her Majesty, or of the Governor-General as the representative of Her Majesty, to grant a pardon, or to remit or commute in whole or in part, or to respite, the execution of any sentence passed or to be passed; or
- (f) any of the laws, regulations or articles for the time being in force for the government of Her Majesty's naval, military or air forces:

Provided that if a person does an act which is punishable under this Code, and is also punishable under another law of any of the kinds mentioned in this section, he shall not be punished for that act both under that law and also under this Code.

PART II

RULES AS TO CRIMINAL RESPONSIBILITY

TITLE II

GENERAL EXPLANATIONS

12. (1) If a person does an act for the purpose of thereby causing or contributing to cause an event, he intends to cause that event, within the meaning of this Code, although either in fact or in his belief, or both in fact and also in his belief, the act is unlikely to cause or to contribute to cause the event.

(2) If a person does an act voluntarily, believing that it will probably cause or contribute to cause an event, he intends to cause that event, within the meaning of this Code, although he does not do the act for the purpose of causing or of contributing to cause the event.

(3) If a person does an act of such a kind or in such a manner as that, if he used reasonable caution and observation, it would appear to him that the act would probably cause or contribute to cause an event, or that there would be great risk of the act causing or contributing to cause an event, he shall be presumed to have intended to cause that event, until it is shown that he believed that the act would probably not cause or contribute to cause the event.

(4) If a person, intending to cause an event with respect to one or some of several persons or things, or to such indeterminate person or thing as may happen to be affected by his act, causes such event with respect to any such person or thing, he shall be liable in the same manner as if he had intended to cause the event with respect to that person or thing.

(5) If a person does an act with intent to assault, harm, kill or cause any other event to a particular person, and his act happens to take effect, whether completely or incompletely, against a different person, he shall be liable to be tried and punished as if his intent had been directed against that different person; but any ground of defence or extenuation shall be admissible on behalf of the accused person, which would have been admissi-

ble if his act had taken effect against the person or in respect of the thing against whom or in respect of which he intended it to take effect.

13. (1) A person causes an event negligently if, without intending to cause the event, he causes it by voluntary act, done without such skill and precaution as are reasonably necessary under the circumstances, or as he is in the particular case bound by law to have and use, for preventing the event from being caused.

Provisions relating to negligence

(2) Moreover, if an act is such that, notwithstanding the use of skill and precaution, it is likely to cause an event which there is no justification for causing, the act (if not done with intent to cause that event) is negligently done with reference to causing that event, even though it be done with skill and precaution.

14. (1) If a person intentionally or negligently causes any involuntary agent to cause an event, that person shall be deemed to have caused the event. "Involuntary agent" means any animal or other thing, and also any person who is exempted from liability to punishment for causing the event, by reason of infancy, or insanity, or otherwise, under the provisions of Title VI. of this Code.

Provision relating to causing an event

(2) If an event is caused by the acts of several persons acting either jointly or independently, each of those persons who has intentionally or negligently contributed to cause the event shall, subject to the provisions of the next subsection of this section and to the provisions of Title V. of this Code with respect to abetment, be deemed to have caused the event; but any matter of exemption, justification, extenuation or aggravation which exists in the case of any one of those persons shall have effect in his case, whether it exists or not in the case of any of the other persons.

(3) A person shall not be convicted of having intentionally or negligently caused an event if, notwithstanding his act and the acts of any person acting jointly with him, the event would not have happened but for the existence of some state of facts or the intervention of some other event or of some other person, the probability of the existence or intervention of which other event or person the accused person did not take into consideration,

and had no reason to take into consideration. This provision shall not apply where a person is charged with having caused an event by an omission to perform a duty for averting the event.

(4) If a person beyond the jurisdiction of the Courts causes an involuntary agent to cause an event within the jurisdiction, he shall be deemed to have caused the event within the jurisdiction.

(5) Subject to the provisions of this section, and to the special provisions of any particular Title of this Code, it is a question of fact whether an event is fairly and reasonably to be ascribed to a person's act as having been caused thereby.

(6) A person shall not, by reason of anything in this section, be relieved from any liability in respect of an attempt to cause an event: and a person shall not, by reason of anything in this section, be relieved from any liability in respect of negligent conduct, if such negligent conduct is punishable under this Code irrespective of whether it actually causes any event.

15. In construing any provision of this Code by which it is required for a criminal act or criminal intent that an act should be done or intended to be done without a person's consent, or by which it is required for a matter of justification or exemption that an act should be done with a person's consent, the following rules shall be observed, namely—

- (a) a consent shall be void if the person giving it is under seven years of age, or is, by reason of insanity, or of immaturity, or of any other permanent or temporary incapacity, whether from intoxication or any other cause, unable to understand the nature or consequences of the act to which he consents;
- (b) a consent shall be void if it is obtained by means of deceit or of duress;
- (c) a consent shall be void if it is obtained by the undue exercise of any official, parental, or other authority; and any such authority which is exercised otherwise than in good faith for the purposes for which it is allowed by law, shall be deemed to be unduly exercised;

(d) a consent given on behalf of a person by his parent, guardian or any other person authorized by law to give or refuse consent on his behalf, shall be void if it is given otherwise than in good faith for the benefit of the person on whose behalf it is given;

(e) a consent shall be of no effect if it is given by reason of a mistake of fact;

(f) a consent shall be deemed to have been obtained by means of deceit or of duress, or of the undue exercise of authority, or to have been given by reason of a mistake of fact, if it would have been refused but for such deceit, duress, exercise of authority or mistake, as the case may be; and

(g) for the purposes of this section, exercise of authority is not limited to exercise of authority by way of command, but includes influence or advice purporting to be used or given by virtue of an authority:

Provided that no person shall be prejudiced by the invalidity of any consent if he did not know, and could not by the exercise of reasonable diligence have known, of such invalidity.

16. A claim of right means a claim of right in good faith.

Provision relating to claim of right

17. For the purposes of any provision of this Code by which any forgery, falsification or other unlawful act is punishable if used or done with intent to defraud, an intent to defraud means an intent to cause, by means of such forgery, falsification or other unlawful act, any gain capable of being measured in money, or the possibility of any such gain, to any person at the expense or to the loss of any other person.

Provision relating to fraud (see s. 365)

18. (1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge.

Provisions relating to intoxication

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that Such act or omission was wrong or did not know what he was doing and—

- (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or
- (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under the preceding sub section is established, then in a case falling under paragraph thereof the accused person shall be discharged, and in a case falling under paragraph (b), sections 181 and 182 of the Criminal Procedure Code shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

19. (1) In this Code, unless the context otherwise requires, "threat" means—

- (a) any threat of criminal force or harm; or
- (b) any threat of criminal mischief to property; or
- (c) any threat of libel or of slander; or
- (d) any threat that a person shall be prosecuted on a charge of having committed any offence whether the alleged offence is punishable under this Code or under any other law, and whether it has or has not been committed.

(2) Any expression in this Code referring to a threat shall also be deemed to include any offer to abstain from doing, or to procure any other person to abstain from doing, anything the threat of which is a threat of any of the kinds in this section before mentioned.

(3) It is immaterial whether a threat be that the matter thereof shall be executed by the person using the threat, or against or in relation to the person to whom the threat is used, or by, or against, or in relation to any other person.

(4) It is immaterial whether a threat or offer be conveyed to any person by words, or by writing, or in any other manner, and whether it be conveyed directly, or through any other person, or in any other manner.

TITLE III

SPECIAL EXPLANATIONS RELATING TO CERTAIN OFFENCES

ASSAULT

20. (1) "Assault" includes—

- (a) assault and battery;
- (b) assault without actual battery; and
- (c) imprisonment.

Different kinds of assault

(2) Every assault is unlawful unless it is justified on one of the grounds mentioned in Title VII. of this Code.

21. (1) A person makes an assault and battery upon another person if, without the other person's consent, and with the intention of causing harm, pain, fear or annoyance to the other person, or of exciting him to anger, he forcibly touches the other person, or causes any person, animal or matter to forcibly touch him.

Definition of and provision relating to assault and battery

(2) This definition is subject to the following provisions—

- (a) where the consent of the other person to be forcibly touched has been obtained by deceit, it suffices with respect to intention that the touch is intended to be such as to cause harm or pain, or is intended to be such as, but for the consent obtained by the deceit, would have been likely to cause fear or annoyance or to excite anger;
- (b) where the other person is insensible, unconscious or insane, or is, by reason of infancy or any other circumstance, unable to give or refuse consent, it suffices, with respect to intention, either that the touch is intended to cause harm, pain, fear or annoyance to him, or that the touch is intended to be such as would be likely to cause

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harm, pain, fear or annoyance to him, or to excite his anger, if he were able to give or refuse consent, and were not consenting;

- (c) the slightest actual touch suffices for an assault and battery, if the intention is such as is required by this section;
- (d) a person is touched, within the meaning of this section, if his body is touched, or if any clothes or other thing in contact with his body or with the clothes upon his body are or is touched, although his body is not actually touched; and
- (e) for the purpose of this section, with respect to intention to cause harm, pain, fear or annoyance, it is immaterial whether the intention be to cause the harm, pain, fear or annoyance by the force or manner of the touch itself, or to forcibly expose the person, or cause him to be exposed, to harm, pain, fear or annoyance from any other cause.

**22.** (1) A person makes an assault without actual battery on another person if, by any act apparently done in commencement of an assault and battery, he intentionally puts the other person in fear of an instant assault and battery.

- (2) This definition is subject to the following provisions—
- (a) it is not necessary that an actual assault and battery should be intended, or that the instrument or means by which the assault and battery is apparently intended to be made should be, or should by the person using them be believed to be, of such a kind or in such a condition as that an assault and battery could be made by means of them;
- (b) a person can make an assault, within the meaning of this section by moving, or causing any person, animal or matter to move, towards another person, although he, or the person, animal or matter is not yet within such a distance from the other person as that an assault and battery can be made; and
- (c) an assault can be made on a person, within the meaning of this section, although he can avoid actual assault and

battery by retreating, or by consenting to do, or to abstain from doing, any act.

**23.** (1) A person imprisons another person if, intentionally and without the other person's consent, he detains the other person in a particular place, of whatever extent or character and whether enclosed or not, or compels him to move or be carried in any particular direction.

Definition of and provisions relating to imprisonment

(2) This definition is subject to the following provisions, namely, that detention or compulsion may be constituted, within the meaning of this section, either by force or by any physical obstruction to a person's escape or by causing him to believe that he cannot depart from a place, or refuse to move or be carried in a particular direction, without overcoming force or incurring danger of harm, pain, and annoyance, or by causing him to believe that he is under legal arrest or by causing him to believe that he will immediately be imprisoned if he does not consent to do, or to abstain from doing, any act.

#### UNLAWFUL DAMAGE

**24.** "Damage" includes not only damage to the matter of a thing, but also any interruption of the use thereof, or any interference therewith, by which the thing becomes permanently or temporarily useless, or by which expense is rendered necessary in order to render the thing fit for the purposes for which it was used or maintained.

Definition of damage

**25.** (1) A person does an act or causes an event unlawfully, within the meaning of the provisions of this Code relating to unlawful damage, in any case in which he is liable to any civil action or proceeding, or to fine or other punishment under any law, in respect of his doing the act or causing the event or in respect of the consequences of the act or event, or in which he would be so liable if he caused the event directly by his own act or in which he is liable to be restrained by injunction or any other proceeding from doing the act or causing the event.

Explanation of unlawful damage

(2) It is immaterial whether a person accused of a crime in respect of any premises or thing be or be not in possession or occupation thereof.

(3) A person who is interested jointly or in common with other persons in any premises or thing as an owner or otherwise, or who is owner thereof in trust for any other person, can be guilty of any crime punishable under the aforesaid provisions by an act which is unlawful as hereinbefore mentioned.

(4) A person who is sole owner for his own benefit of any premises or thing can be guilty of any crime punishable under the aforesaid provisions by an act done with intent to injure or defraud any person or to cause harm to any person, although the act be not otherwise unlawful:

Provided that, notwithstanding anything contained in Title VI. of this Code as to mistake of law, a person shall not be liable to punishment under the aforesaid provisions in respect of his doing any thing which, in good faith, he believes that he is entitled to do.

26. (1) Where an intention to cause damage to a certain amount, or a causing of damage to a certain amount, is required by any enactment of this Code relating to unlawful damage, it is not necessary that damage to that amount should be intended or done to any individual thing of a kind mentioned in such section, but it suffices if damage to that amount in the aggregate is intended or done, as the case may be, to any number or collection of such things.

(2) Where different punishments are provided by any enactments of this Code relating to unlawful damage, according to differences in the amount of damage caused, a person who is accused of having attempted to cause damage to greater amount shall not be acquitted or relieved from liability to the greater punishment on the ground that he actually caused damage to a lesser amount.

STEALING, &C

27. A person is guilty of stealing if he dishonestly appropriates a thing of which he is not the owner.

28. A person is guilty of fraudulent breach of trust if he dishonestly appropriates a thing the ownership of which is vested in him as a trustee for any other person.

29. (1) An appropriation of a thing is dishonest if it is made by a person without claim of right, and with a knowledge or belief that the appropriation is without the consent of some person for whom he is trustee or who is owner of the thing, as the case may be, or that the appropriation would, if known to any such person, be without his consent.

Explanation as to dishonest appropriation

(2) It is not necessary, in order to constitute a dishonest appropriation of a thing, that the accused person should know who is the owner of the thing, but it suffices if he has reason to know or believe that some other person, whether certain or uncertain, is interested therein or entitled thereto, whether as owner in his own right, or by operation of law, or in any other manner; and any person so interested in or entitled to a thing is an owner thereof for all the purposes of the provisions of this Code relating to criminal misappropriations and frauds.

(3) The general provisions of this Part with respect to consent, and with respect to the avoidance thereof by force, duress, incapacity, and otherwise, apply for the purposes of this section, except as is hereafter in this Title expressly mentioned with respect to deceit.

30. A person who is an owner of or interested in a thing, or in the amount, value or proceeds thereof, jointly or in common with another person or as a member of a company, or who is owner of a thing as a trustee for himself jointly or in common with another person or for a company of which he is a member, can be guilty of stealing or of fraudulent breach of trust in respect of the thing; and a person can be a clerk, servant, or officer of a company of which he is a member.

Provisions relating to part owners

31. Where a person, being the owner of a thing in his own right and for his own benefit, undertakes to hold or apply the thing as a trustee for another person, he shall not be deemed thereby to become a trustee, within the meaning of the provisions of this Code relating to fraudulent breaches of trust, unless he has constituted himself such trustee by an instrument in writing executed by him and specifying the nature of the trust and the persons to be benefited thereby.

Explanation as to a gratuitous trustee

Explanation as to amount of damage

Definition of stealing

Definition of fraudulent breach of trust