

# CRIMINAL CODE

Cap 195 – 29 December 1838

Amended 25/01; 30/01; 5/02; 12/03; 22/03; 30/03; 34/05; 24/06

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## PRELIMINARY

- 1 Short title**  
This Act may be cited as the Criminal Code.
- 2 Offences**  
Offences which the law punishes are crimes, misdemeanours or contraventions.
- 3 –**

## BOOK I – PENALTIES

- 4 Crimes**  
Crimes are offences punishable by –
  - (a) penal servitude;
  - (b) a fine exceeding 5,000 rupees.
 [Amended 29/90; 31/95; 5/99]
- 5 Misdemeanours**
  - (1) Misdemeanours are offences punishable by –
    - (a) imprisonment for a term exceeding 10 days;
    - (b) a fine exceeding 5,000 rupees.
  - (2) Where the punishment of imprisonment is imposed, the Court may inflict that punishment with or without hard labour.  
[Amended 29/90; 5/99]
- 6 Contraventions**  
Contraventions are offences punishable by –
  - (a) imprisonment for a term not exceeding 10 days;
  - (b) a fine not exceeding 5,000 rupees.
 [Amended 29/90; 5/99]
- 7 –**
- 8 Fines and forfeitures**  
Fines and forfeitures, whether of the corpus delicti where it is the property of the prisoner, or of the things produced by the offence, or of those things which have been used, or have been intended to be used for committing an offence, are punishments common to crimes, misdemeanours and contraventions.
- 9-10 –**
- 11 Penal servitude**
  - (1) The punishment of penal servitude is imposed for life or for a minimum term of 3 years.

(2) Where in any enactment the punishment of penal servitude is imposed without a term being specified, the maximum term for which the punishment may be imposed is 30 years.

[Amended 1/85]

## **12 Imprisonment**

Where in any enactment the punishment of imprisonment is provided for an offence without a term being specified, the term for which imprisonment may be imposed may exceed 10 days but shall not exceed 5 years.

[Amended 1/85]

## **13 Recidivism**

Where any person –

- (a) commits a crime within the 10 years following his conviction for a crime;
- (b) commits a misdemeanour within the 5 years following his conviction for a crime;
- or
- (c) commits a misdemeanour within the 5 years following his condemnation to imprisonment for one year or more for a misdemeanour,

the Court in passing sentence shall take into consideration the previous conviction or condemnation, and may inflict a penalty exceeding by one third the maximum penalty fixed for such crime or misdemeanour.

**14-36 –**

## **BOOK II – PERSONS PUNISHABLE, EXCUSABLE OR RESPONSIBLE**

### **37 Accomplices**

Les complices d'un crime ou d'un délit seront punis du même genre de peine, ou de l'une des peines applicables à ce crime ou à ce délit, pour le temps qui sera déterminé par le jugement, sauf les cas où la loi en aurait disposé autrement.

Except where otherwise provided in any enactment, the accomplices in a crime or misdemeanour shall be punished with the same kind of punishment, or one of the punishments applicable to the crime or misdemeanour, for the time that shall be fixed by the sentence.

[Amended 31/95]

### **38 Giving instructions and aiding and abetting**

(1) Seront punis comme complices d'une action qualifiée crime ou délit, ceux qui par dons, promesses, menaces, abus d'autorité ou de pouvoir, machinations ou artifices coupables, auront provoqué à cette action, ou donné des instructions pour la commettre.

(1) Any person who, by gift, promise, menace, abuse of authority or power, machination or culpable artifice instigates, or gives any instruction for, the commission of a crime or misdemeanour shall be punished as an accomplice in the crime or misdemeanour.

(2) Seront ainsi punis ceux qui auront procuré des armes, des instruments, ou tout autre moyen qui aura servi à l'action, sachant qu'ils devaient y servir.

(3) Seront ainsi punis ceux qui auront, avec connaissance, aidé ou assisté l'auteur de l'action, dans les faits qui l'auront préparée ou facilitée ou dans ceux qui l'auront consommée, sans préjudice des peines qui seront spécialement portées par la loi contre les auteurs de complots ou de provocations attentatoires à la sûreté intérieure ou extérieure de l'Etat, même dans le cas où le crime, qui était l'objet des conspirateurs ou des provocateurs, n'aurait pas été commis.

### **39 Harboring offenders**

Ceux qui, connaissant la conduite criminelle des malfaiteurs exerçant en bandes des brigandages ou des violences contre la sûreté de l'Etat, la paix publique, les personnes ou les propriétés, leur fournissent habituellement logement, lieu de retraite ou de réunion, seront punis comme leurs complices.

### **39A Culpable Omission**

(1) Quiconque pouvant empêcher par son action immédiate, sans risque pour lui ni pour les tiers, soit un fait qualifié crime, soit un délit contre l'intégrité corporelle de la personne, s'abstient volontairement de le faire,

shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years.

(2) Quiconque, s'abstient volontairement de porter à une personne en péril l'assistance que, sans risque pour lui ni pour les

(2) Any person who procures arms, instruments, or any other means used in the commission of a crime or misdemeanour, knowing that they were to be so used, shall be deemed an accomplice.

(3) Any person who knowingly aids and abets the author of any crime or misdemeanour in the means of preparing, facilitating or perpetrating the crime or misdemeanour, shall be deemed an accomplice, without prejudice to the punishments specially provided by law against the authors of plots or of instigations to offences affecting the internal or external safety of the State, even in cases where the crime which was the object of the conspirators or instigators has not been committed.

Any person who knows of the criminal conduct of offenders plundering in bands or committing outrages against the safety of the State, the public peace, persons, or property, habitually provides them with lodging, a place of retreat or of meeting, shall be punished as an accomplice.

(1) Any person who is able to take prompt action, without risk to himself or to a third party, so as to prevent the commission of a crime, or a misdemeanour which is an offence against persons, and who willfully fails to do so,

(2) Any person who willfully omits to provide to a person in danger such assistance as he could, without any risk to himself or to a third party,

tiers, il pouvait lui porter, soit par son action personnelle soit en provoquant un secours,

provide to that person by his own intervention or by calling for help,

shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years.

(3) Subsection (2) shall be in addition to and not in derogation of section 140 of the Road Traffic Act.

[Added 24/06]

#### **40 Possession of property obtained unlawfully**

Ceux qui, sciemment auront recélé, en tout ou en partie, ou qui, sans excuse ou justification suffisante, seront trouvés avoir en leur possession des choses enlevées, détournées, ou obtenues à l'aide d'un crime ou d'un délit seront considérés et punis comme complices de ce crime ou de ce délit.

Any person who knowingly receives, in whole or in part, or who without sufficient excuse or justification, is found to have in his possession, articles carried off, abstracted or obtained by means of a crime or misdemeanour shall be deemed to be an accomplice in the crime or misdemeanour.



#### **41 Possession of property bearing mark of Government or third party**

Ceux qui seront trouvés avoir en leur possession tout objet quelconque provenant des magasins ou ateliers du Gouvernement et portant la marque affectée à un service public quelconque, ou tout objet portant le nom ou la marque d'un tiers, ou qui auraient effacé les noms ou marques apposés sur les dits objets, sans pouvoir justifier qu'ils en sont légitimes possesseurs, seront considérés et punis comme receleurs, lors même que le vol des dits objets ne serait pas prouvé.

Any person who is found to have in his possession any article forming part of any store or manufactory of Government, and bearing the mark appropriated for any public service, or any article bearing the name or mark of a third party, or who has erased the name or mark affixed on such article, without being able to prove that he is in lawful possession of the article shall be deemed to be, and be punished as, a receiver of stolen goods, even though the article is not proved to have been stolen

#### **42 Insanity**

(1) Il n'y a ni crime ni délit, lorsque le prévenu était en état de démence au temps de l'action, ou lorsqu'il a été contraint par une force à laquelle il n'a pu résister, et en conséquence il sera acquitté.

(1) There is neither crime nor misdemeanour, where an accused person was in a state of insanity at the time of the act, or where he has been compelled to commit such act by a force which he could not resist, and in consequence he shall be acquitted

(2) In this section "insanity" includes mental disorder rendering the accused incapable of appreciating the nature and quality of the act or of knowing that it was wrong.

[Amended 24/98]

#### **43 Excuse and mitigation of penalty**

Nul crime ou délit ne peut être excusé, ni la peine mitigée, que dans les cas et dans les circonstances où la loi déclare le fait excusable, ou permet de lui appliquer une peine moins rigoureuse.

No crime or misdemeanour can be excused nor the punishment mitigated, except in the cases and circumstances where the law declares the offence excusable, or permits the application of a less severe punishment.

#### **44 Minor under 14 acting without discernment**

Lorsque l'accusé aura moins de 14 ans, s'il est décidé qu'il a agi sans discernement, il sera acquitté, mais il sera, selon les circonstances, remis à ses parents, ou conduit dans une maison de correction, pour y être élevé et détenu pendant tel nombre d'années que le jugement déterminera, et qui toutefois ne pourra excéder l'époque où il aura accompli sa 18ème année.

Where an accused person is under the age of 14 and it is determined that he acted without discernment, he shall be acquitted, but shall, according to the circumstances of his case, be handed over to his relations or placed in a reformatory to be brought up and detained during such number of years as the sentence may determine, which period shall in no case exceed the period at which the accused will have reached the age of 18.

**45 Minor under 14 acting with discernment**

S'il est décidé que l'accusé agé de moins de 14 ans a agi avec discernement, il sera condamné à l'emprisonnement dans une maison de correction, pour le temps qui sera déterminé par le jugement.

Where it is decided an accused person under the age of 14 acted with discernment, he shall be condemned to imprisonment in a reformatory for such time as shall be determined by the judgment.

46-49 –

**BOOK III – CRIMES AND MISDEMEANOURS  
TITLE I – OFFENCES AGAINST THE STATE  
CHAPTER I – OFFENCES OF A PUBLIC NATURE**

**50 Inducing or compelling President in the exercise of any lawful power**

Any person who, by force or violence, induces or compels the President to exercise or refrain from exercising in any manner any of the powers vested in him by law, shall commit an offence and shall, on conviction, be liable to penal servitude for life.

[Amended 42/93; 31/95]

**51 Stirring up war against the State**

Any person who stirs up war against the State shall commit an offence and shall, on conviction, be sentenced to penal servitude for life.

[Amended 42/93; 31/95]

52-56 –

**57 Plotting with foreign power**

(1) Quiconque aura pratiqué des machinations ou entretenu des intelligences avec les puissances étrangères ou leur agents, pour les engager à commettre des hostilités ou à entreprendre la guerre contre l'Etat, ou pour leur en procurer les moyens, shall be punished by penal servitude for life and forfeiture of property.

(2) Cette disposition aura lieu dans le cas même où les dites machinations ou intelligences n'auraient pas été suivies d'hostilités.

(1) Any person who devises any plot or keeps up intelligence with any foreign power or the agent of a foreign power in order to move or stir it up to commit hostilities or levy war against the State, or to procure for it the means of so doing,

(2) The like punishment shall be applied even though such plot or intelligence has not been followed by hostilities.

[Amended 42/93; 31/95]

**58 Causing risk of war**

Quiconque aura, par des actions hostiles non approuvées par le Gouvernement, exposé l'Etat à une déclaration de guerre,

Any person who, by any act of hostility not sanctioned by the Government, exposes the State to a declaration of war,

shall be punished by penal servitude for a term not exceeding 10 years and, where war has followed, by penal servitude for a term not exceeding 15 years.

**59 Exposing citizen to reprisal**

Quiconque aura, par des actions non approuvées par le Gouvernement, exposé des citoyens du Commonwealth à éprouver des représailles,

shall be punished by penal servitude.

Any person who by an act not sanctioned by the Government exposes any Commonwealth citizen to meet with reprisals,

**60 Inciting citizen to rise up in arms**

L'attentat ou le complot dont le but sera d'exciter les citoyens ou autres habitants de Maurice à s'armer contre l'Etat,

shall be punished by penal servitude for life and forfeiture of property.

[Amended 42/93; 31/95]

Every attempt or plot the object of which is to excite the citizens or other inhabitants of Mauritius to arm themselves against the State,

**61 Inciting officer to mutiny**

Quiconque aura cherché à séduire, corrompre, ou détourner de leurs devoirs des officiers ou toutes autres personnes au service de l'Etat dans les forces de terre ou de mer, ou aura cherché à les exciter à la mutinerie ou à la désobéissance,

shall be punished by penal servitude for life or for a term not exceeding 20 years.

[Amended 42/93; 31/95]

Any person who attempts to bribe, corrupt or seduce from his duty any officer or other person belonging to the State's land or sea forces, or attempts to incite him to mutiny or disobedience,

**62 Stirring up civil war**

L'attentat ou le complot dont le but sera, soit d'exciter la guerre civile en armant ou en portant les habitants à s'armer les uns contre les autres, soit se porter la dévastation, le massacre, ou le pillage dans un ou plusieurs quartiers,

shall be punishable by penal servitude for life.

[Amended 31/95]

Any attempt or plot, of which the object is either to stir civil war by arming or by inciting the inhabitants to arm themselves against one another, or carry devastation, massacre or plunder into one or more districts,

### 63 Raising armed force

Ceux qui –

- (a) auront levé ou fait lever des troupes armées;
- (b) auront engagé ou enrôlé, fait engager ou enrôler, des soldats;
- (c) auront fourni ou procuré aux soldats des armes ou munitions, sans ordre ou autorisation de pouvoir légitime;
- (d) font partie de toute réunion ou assemblée dont l'objet serait d'exercer et former à l'usage des armes ou à la pratique des exercices, mouvements et évolutions militaires; ou
- (e) y donneront leur assistance,

Any person who –

- (a) raises or causes to be raised any armed troops;
- (b) enlists or enrolls or causes to be enlisted or enrolled any soldiers;
- (c) supplies or furnishes soldiers with arms or ammunition without the order or sanction of lawful authority;
- (d) forms part of any meeting or assembly the object of which is to exercise or instruct in the use of arms, the practice of military exercises, movements, or revolutions; or
- (e) lends aid thereunto,

shall be punished by penal servitude.

### 64 Taking command of armed force

Ceux qui –

- (a) sans droit ou motif légitime, auront pris le commandement d'un corps d'armée, d'une troupe, d'une flotte, d'une escadre, d'un bâtiment de guerre, d'une place forte, d'un poste, d'un port, d'une ville;
- (b) auront retenu, contre l'ordre du Gouvernement, un commandement militaire quelconque; ou
- (c) étant au commandement d'une armée ou d'une troupe rassemblée, après que le licenciement ou la séparation en auront été ordonnés,

Any person who –

- (a) without lawful right or reason, takes the command of an armed force, troop, fleet, squadron, man of war, fortified place, post, port or town;
- (b) continues to hold any military command against the order of the Government; or
- (c) being a commander keeps his army or troops embodied after the disbanding or dismissing of the same has been ordered,

shall be punished by penal servitude for life or for a term not exceeding 20 years.

[Amended 31/95]

**65 Setting fire to or destroying State property**

Tout individu qui aura incendié ou détruit, d'une manière quelconque des édifices, magasins, arsenaux, vaisseaux ou autres propriétés appartenant à l'Etat ou étant à son usage,

shall be punished by penal servitude.

[Amended 31/95]

**66 Plundering public property with armed band**

(1) Quiconque –

- (a) pour envahir des domaines, propriétés ou deniers publics, places, villes, forteresses, postes, magasins, arsenaux, ports, vaisseaux ou bâtiments appartenant à l'Etat;
- (b) pour piller ou partager des propriétés publiques ou nationales, ou celles d'une généralité de citoyens; ou
- (c) pour faire attaque ou résistance envers la force publique agissant contre les auteurs de ces crimes,

se sera mis à la tête des bandes armées ou y aura exercé une fonction ou un commandement quelconque,

(2) La même peine sera appliquée à ceux qui auront dirigé l'association, levé ou fait lever, organisé ou fait organiser les bandes, ou leur auront, sciemment et volontairement, fourni ou procuré des armes, munitions et instruments de crime, ou envoyé des convois de subsistances, ou qui auront, de toute autre manière, pratiqué des intelligences avec les directeurs ou commandants des bandes.

(3) Les individus faisant partie des bandes dont il est parlé aux sections 62 à 64 et 66 sans y exercer aucun commandement ni emploi et qui auront été saisis sur les lieux,

shall be punished by penal servitude for a term not exceeding 10 years.

[R 2/83; Amended 48/91]

Any person who sets fire to, or destroys in any way, any building, storehouse, arsenal, ship or vessel or any other property belonging to the State, or being for the use of the State,

(1) Any person who, for the purpose of –

- (a) taking possession of any public land, property or money, or place, town, fortress, post, storehouse, arsenal, port, ship or vessel, belonging to the State;
- (b) plundering or sharing public or national property, or the property of a body of citizens; or
- (c) attacking or resisting the civil or military authorities employed against the authors of such crime,

puts himself at the head of any armed band, or exercises any function or command in an armed band, shall be punished by penal servitude.

(2) The like punishment shall be applied to those who head the association, levy or cause to be levied, organise or cause to be organised, any such band, or who knowingly and wilfully furnish or provide them with any arms, munitions, or instruments of crime, or who send convoys of provisions, or who in any way, keep up any intelligence with the directors or commanders of such bands.

(3) Any person who forms part of any armed band described in sections 62 to 64 and 66, without exercising any command or function in the band and who is arrested on the spot,

**67 Harboursing armed band**

Ceux qui, connaissant le but et le caractère des dites bandes, leur auront, sans contrainte, fourni des logements, lieux de retraite ou de réunion,

Any person who, knowing the object and nature of such an armed band, without compulsion, furnishes it with lodging, a place of retreat or meeting,

shall be punished by penal servitude for a term not exceeding 10 years.

**68 Withdrawing from armed band**

Il ne sera prononcé aucune peine contre ceux qui, ayant fait partie de ces bandes, sans y exercer aucun commandement, et sans y remplir aucun emploi ni fonction, se seront retirés au premier avertissement des autorités civiles ou militaires, mais ils seront punis, dans ces cas, des crimes particuliers qu'ils auraient personnellement commis.

No punishment shall be pronounced against any person who, having formed part of such an armed band, but without exercising any command or filling any office or function in it, withdraws on the first intimation from any of the civil or military authorities, but he shall incur in such cases the penalties attached to the particular crimes which he may have individually committed.

**69 Interpretation of "arms"**

Sont compris dans le mot "armes" –

- (a) toutes machines, tous instruments ou ustensiles tranchants, perçants ou contondants;
- (b) tous couteaux et ciseaux de poches, toutes cannes simples, qu'autant qu'il en aura été fait usage pour tuer, blesser, ou frapper.

"Arms" includes –

- (a) any cutting, piercing, or bruising machine, instrument or weapon;
- (b) any pocket knife and scissors and walking stick which have been used for killing, wounding, or striking.

**70 Saving for offences amounting to high treason**

Il est toutefois entendu que rien de ce qui est contenu dans les sections 62 à 71 ne pourra empêcher qu'aucun des crimes qui y sont prévus, ne soit considéré et puni comme crime de haute trahison, selon les circonstances dont il serait accompagné.

Nothing in sections 62 to 71 shall prevent any crime specified in these sections from being considered and punished as a crime of high treason according to the circumstances with which it may be attended.

## **71 Inciting to high treason**

Seront punis comme coupables des crimes et complots mentionnés aux sections 50, 51, 57 à 70, tous ceux qui, soit par discours tenus dans les lieux ou réunions publics, soit par placards affichés, soit par des écrits ou des imprimés, auront excité directement à commettre les dits crimes ou complots. Néanmoins, dans le cas où les dites provocations n'auraient été suivies d'aucun effet, leurs auteurs

shall be punished by penal servitude.

[Amended 42/93; 31/95]

## **72 Failing to reveal plot against the State**

Toutes personnes qui, ayant eu connaissance de complots formés ou de crimes projetés contre la sûreté intérieure ou extérieure de l'Etat, n'auront pas fait la déclaration de ces complots ou crimes, et n'auront pas révélé au Gouvernement, ou aux autorités administratives ou de police judiciaire, les circonstances qui en seront venues à leur connaissance, le tout dans les 24 heures qui auront suivi la dite connaissance, seront, lors même qu'elles seraient reconnues exemptées de toute complicité, punies, pour le seul fait de non-révélation, de la manière et selon les distinctions qui suivent.

Any person who, by words spoken in a public place or meeting, or by posted placards, or by any writing or printing, directly incites to the commission of any of the crimes or plots mentioned in sections 50, 51 and 57 to 70, shall be punished as guilty of such crime or plot, but where such incitement produces no effect, the offender

Any person having knowledge of any plot formed or of any crime contemplated against the internal or external safety of the State who does not reveal such plot or crime, and does not give information to the Government or the administrative authorities or to the police, of the circumstances relating to it which may have come to his knowledge, all the information being given within the 24 hours following the knowledge, shall, for the single fact of concealment, be punished in the manner and according to the distinctions which follow, although it is proved that he has committed no act of complicity.

## **73 Penalty for failing to reveal plot if high treason**

S'il s'agit du crime de lèse-majesté, tout individu qui, au cas de la section 72, n'aura point fait les déclarations qui y sont prescrites,

shall be punished by penal servitude

In the case of high treason, any person, who, under section 72, does not make the declarations prescribed,

## **74 Penalty for failing to reveal plot other than of high treason**

A l'égard des autres crimes ou complots contre la sûreté intérieure et extérieure de l'Etat, toute personne qui, en étant instruite, n'aura pas fait les déclarations prescrites par la section 72,

With regard to any crime or plot against the internal or external safety of the State, any person who, having knowledge thereof, does not make the declarations prescribed by section 72,

shall be punished by penal servitude for a term not exceeding 10 years and by a fine not exceeding 2,000 rupees.

[R 2/83]

## **75 Penalty not applicable to relative of plotter**

Néanmoins, si l'auteur du complot ou du crime est époux, ascendant ou descendant, frère ou soeur de la personne prévenue de réticence, celle-ci ne sera pas sujette aux peines portées par les sections 73 et 74.

Nevertheless where the author of the plot or crime is the husband or wife, or the lineal ascendant or descendant, or the brother or sister of the person accused of withholding such declarations, such person shall not be liable to the punishments specified in sections 73 and 74.

**76 Penalty not applicable to plotter in certain cases**

Seront exemptés des peines prononcées contre les auteurs de complots ou d'autres crimes attentatoires à la sûreté intérieure ou extérieure de l'Etat, ceux des coupables qui, avant toute exécution ou tentative de ces complots ou de ces crimes, et avant toutes poursuites commencées, auront, les premiers, donné aux autorités mentionnées à la section 72 connaissance de ces complots ou crimes et de leurs auteurs ou complices, ou qui, même depuis le commencement des poursuites, auront procuré l'arrestation des dits auteurs ou complices.

Any offender, who before any plot or crime against the internal or external safety of the State has been carried, or attempted to be carried into execution, and before any prosecution is commenced, is the first to give to the authorities mentioned in section 72 the information of such plot or crime and of its author or of any accomplice, or who, even after the commencement of a prosecution, procures the arrest of such author or accomplice, shall be exempted from the punishment pronounced against the author of such plot or crime.

**76A Prohibition on the use of Arms of Mauritius**

- (1) Except with the express authorization of the Prime Minister, no person shall -
- (a) use in connection with any business, trade, calling, professional or public activity; or
  - (b) offer for sale or sell any article or any matter produced whether by technological means, in an electronic medium or otherwise, bearing the Arms of Mauritius.

(2) Any person who fails to comply with subsection (1), whether in Mauritius or elsewhere, shall commit an offence.

(3) A person who commits an offence under this section shall, without prejudice to any other proceedings which may be taken against him, his activity or respecting the article or matter, be liable, on conviction, to a fine not exceeding 100,000 rupees and to penal servitude.

(4) The Court before which a person is convicted of the offence may, in addition to the penalty imposed, order any article or matter used in the commission of the offence to be forfeited.

[Added 30/01]



## CHAPTER II – OFFENCES BY PUBLIC OFFICERS

### 77 Abuse of authority by public officer

Lorsqu'un fonctionnaire public, un agent ou un préposé du Gouvernement, aura ordonné ou fait quelque acte arbitraire et attentatoire, soit à la liberté individuelle, soit aux droits civiques d'un ou de plusieurs individus, soit à la Constitution de Maurice, et qu'il n'aura pas justifié qu'il a agi par ordre de son supérieur, pour des objets du ressort de celui-ci, il sera condamné

Subject to section 78, where a public functionary, an agent of, or person appointed by the Government, orders or commits any arbitrary act, prejudicial either to individual liberty, or to the civic rights of one or more individuals, or to the Constitution of Mauritius, and does not prove that he acted by order of his superior, in matters within the competency of the latter, he shall be condemned

to imprisonment or to a fine not exceeding 3,000 rupees.  
[Amended 29/90; 12/03]

### 78 Torture by public official

(1) Subject to subsection (3), where –

- (a) any person who is a public official, or is otherwise acting in an official capacity; or
- (b) any person, at the instigation of, or with the acquiescence of, a public official or a person otherwise acting in an official capacity,

intentionally inflicts severe pain or suffering, whether physical or mental, on any other person-

- (i) to obtain a confession or other information from that other person, or a third person;
- (ii) to punish that other person for an act which that other person or a third person has committed, or is suspected of having committed;
- (iii) to intimidate or coerce that other or a third person; or
- (iv) for any reason based on discrimination of any kind,

he shall commit the offence of torture and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(2) Where the act constituting an offence under subsection (1) has been committed outside Mauritius and -

- (a) the victim is a citizen of Mauritius;
- (b) the alleged offender is in Mauritius; or
- (c) the alleged offender is in Mauritius, and Mauritius does not extradite him,

a Court shall have jurisdiction to try the offence and inflict the penalties specified in subsection (1).

(3) Subsection (1) shall not apply to any pain or suffering arising only from, or inherent in, or incidental to, a lawful sanction.

(4) It shall not be a defence for a person charged with an offence under subsection (1) to prove that he acted by order of his superior.

[Added 12/03]

### **79 Public officer flouting claim of illegal detention**

Les fonctionnaires publics chargés de la police administrative ou judiciaire, et toute personne ayant charge d'un prisonnier, qui auront refusé ou négligé de déférer à toute réclamation tendant à constater les détentions illégales ou arbitraires, soit dans les maisons destinées à la garde des détenus, soit partout ailleurs, et qui ne justifieront pas les avoir dénoncées à leurs supérieurs, seront punis des peines portées en la section 77.

Any public functionary entrusted with the administrative or judicial police, or any person having the custody of a prisoner, who refuses or neglects to pay due regard to any demand tending to prove illegal or arbitrary any detention, whether in any house destined for the custody of persons under detention, or elsewhere and who does not prove having reported such detention to his superior officer, shall be subject to the punishment specified in section 77.

### **80 Arbitrary detention by public officer**

Les gardiens et concierges des maisons de dépôt, d'arrêt ou de peine qui –

- (a) auront reçu un prisonnier sans mandat ou jugement, ou qui auront refusé, sur sa réquisition, de lui délivrer une copie de l'ordre en vertu duquel le prisonnier leur aura été remis;
- (b) auront retenu le prisonnier ou auront refusé de le représenter à tout officier de justice ou de police ayant qualité pour en exiger la représentation, sans justifier de la défense du Directeur des Poursuites Publiques;
- (c) auront refusé d'exhiber leurs registres à tout officier de justice ou de police judiciaire,

Any gaoler or keeper of a gaol, prison or house of correction, who –

- (a) receives a prisoner without warrant or sentence, or who refuses, upon demand, to deliver to the prisoner a copy of the order under which the prisoner was delivered over to him;
- (b) detains or refuses to produce the prisoner to any judicial or police officer entitled to demand the appearance of the prisoner, without proving a prohibition from the Director of Public Prosecutions;
- (c) refuses to exhibit his register to any judicial or police officer,

shall be guilty of arbitrary detention, and be liable to imprisonment or to a fine not exceeding 2,000 rupees.

[Amended 29/90]

### **81 Public officer detaining person in unauthorised place**

Sera puni des peines portées en la section 77, tout officier public qui aura retenu ou fait retenir un individu hors des lieux déterminés par le Gouvernement.

Any public officer who detains, or causes to be detained, any individual, except in the places fixed by the Government, shall suffer the punishment specified in section 77.

## **82 Conspiracy by public officers to flout the law**

(1) Tout concert de mesures contraires aux lois, de mesures contre l'exécution des lois ou contre les ordres du Gouvernement, pratiqué soit par la réunion d'individus ou de corps dépositaires de quelque partie de l'autorité publique, soit par députation ou correspondance entre eux, sera puni de l'emprisonnement.

(2) Dans le cas où ce concert aurait eu pour objet ou résultat un complot attentatoire à la sûreté intérieure de l'Etat, les auteurs seront considérés comme coupables du crime de haute trahison, et punis conformément aux sections 50, 51 et 57 à 61.

[Amended 42/93; 31/95]

## **83 Public officer resigning with intent to paralyse public service**

Seront punis d'une amende qui n'excèdera pas 10,000 roupies les fonctionnaires publics qui auront, en masse ou individuellement, donné des démissions dont l'objet ou l'effet serait d'empêcher ou de suspendre, soit l'administration de la justice, soit l'accomplissement d'un service quelconque.

[Amended 29/90; 5/99]

## **84 Violation of domicile by public officer**

Tout fonctionnaire de l'ordre administratif ou judiciaire, tout officier de justice ou de police, tout commandant ou agent de la force publique, qui agissant en sa dite qualité, se sera introduit dans le domicile d'autrui contre son gré, hors des cas prévus par la loi, et sans les formalités qu'elle a prescrites, sera puni d'une amende qui ne pourra excéder 5,000 roupies, et d'un emprisonnement qui ne pourra excéder 6 mois.

[Amended 5/99]

**85** –

## **86 Violence by public officer**

(1) Any combination of measures contrary to law, or of measures against the execution of the law or against the orders of the Government, entered into, whether by an association of individuals or of bodies entrusted with any portion of the public authority, or by any deputation or correspondence among them, shall be punished by imprisonment.

(2) Where such combination has had for its object, or where the result of it has been, a plot affecting the internal safety of the State, the authors shall be guilty of high treason, and shall be punished in conformity with sections 50, 51 and 57 to 61.

Public functionaries who, in a body or individually, hand in their resignation whose object or effect is to impede or to suspend, either the administration of justice, or the accomplishment of a public service, shall be punished by a fine not exceeding 10,000 rupees.

Any functionary of the administrative or judicial body, or any judicial or police officer or any civil or military authority, acting in such capacity, who enters the domicile of another person against the will of that other person, except in cases provided by law, and without complying with the prescribed formalities, shall be punished by a fine not exceeding 5,000 rupees, and by imprisonment for a term not exceeding 6 months.

Lorsqu'un fonctionnaire ou officier public, un agent ou un préposé du Gouvernement ou de la police, un exécuter des mandats de justice ou jugements, un commandant en chef ou en sous ordre de la force publique, aura, sans motif légitime, usé ou fait user de violences envers les personnes, dans l'exercice ou à l'occasion de l'exercice de ses fonctions, il pourra être puni, selon la nature et la gravité de ces violences, même du double de la peine qui aurait été encourue par tout autre coupable du même crime ou délit.

Any functionary, or public officer, or any agent of, or other person appointed by the Government or the police, or any other person entrusted with the execution of judicial orders or judgments, or any civil or military authority, acting in the discharge of his functions, or for the purpose of discharging such functions, who, without lawful reason, uses or causes to be used any violence towards any person, shall, according to the nature and extent of the violence so used, be liable to double the punishment which would have been incurred by any other person guilty of the like crime or misdemeanour.

87 –

**88 Public officer ordering use of force to prevent operation of law**

Tout fonctionnaire public, agent ou préposé du Gouvernement de quelque état ou grade qu'il soit, qui aura requis ou ordonné, fait requérir ou ordonner l'action ou l'emploi de la force publique contre l'exécution d'une loi, ou contre la perception d'une contribution légale, ou contre l'exécution, soit d'une ordonnance ou mandat de justice, soit de tout autre ordre émané de l'autorité légitime,

Any public functionary, or any agent of, or person employed by the Government who calls for or orders or causes to be called for or to be ordered, the intervention or employment of the civil or military authorities against the execution of a law, or against the collection of a legal tax, or against the execution, whether of a legal warrant or judicial order, or of any other order proceeding from lawful authority,

shall be punished by penal servitude for a term not exceeding 10 years.  
[R 2/83]

**89 Penalty where order is executed**

Si cette réquisition ou cet ordre ont été suivis de leur effet,

Where such requisition or order has been carried into execution,

the punishment shall be penal servitude.

**90 Penalty not applicable for acting under order of superior**

Les peines énoncées aux sections 88 et 89 ne cesseront d'être applicables aux fonctionnaires ou préposés qui auraient agi par ordre de leurs supérieurs, qu'autant que cet ordre aura été donné par ceux-ci pour des objets de leur ressort, et sur lesquels il leur était dû obéissance hiérarchique; dans ce cas, les peines portées ci-dessus ne seront appliquées qu'aux supérieurs qui auront donné cet ordre, à moins qu'ils ne justifient eux-mêmes d'un ordre de l'autorité supérieure.

The punishments specified in sections 88 and 89 shall not cease to be applicable to such functionaries or persons employed who shall have acted by order of their superior, unless the order is given by such superior for matters within his competence, and in relation to which obedience was due to such superior, in which cases the punishments above mentioned shall only be applicable to the superior who gave the order, unless he can prove that he likewise has acted under an order from superior authority.

**91 Penalty where order provokes serious crime**

Si, par suite des dits ordres ou réquisitions, il survient d'autres crimes punissables de peines plus fortes que celles exprimées aux sections 88 et 89 ces peines plus fortes seront appliquées aux fonctionnaires, agents ou préposés coupables d'avoir donné les dits ordres ou fait les dites réquisitions.

Where, in consequence of such order or requisition, any other crime ensues, punishable by a severer punishment than that specified in sections 88 and 89, such severer punishment shall be applied to such functionaries, agents or persons employed, as shall be guilty of having given the said order, or made the said requisition.

**CHAPTER III – CRIMES AND MISDEMEANOURS AGAINST THE PUBLIC PEACE**

**92 Counterfeiting gold or silver coin**

(1) Any person who falsely makes or counterfeits any coin resembling or intended to resemble or pass for any gold or silver coin lawfully current in Mauritius, or in any other State, shall be punished by penal servitude.

(2) Any person who impairs, diminishes, lightens, or otherwise alters any gold or silver coin aforesaid, with intent that the coin so impaired, diminished, lightened, or altered may pass for any gold or silver coin, lawfully current as aforesaid, shall be punished by penal servitude.

**93 Imitating gold or silver coin**

(1) Tout individu qui, au moyen d'un procédé quelconque, aura donné la couleur d'or ou d'argent, soit à toute monnaie ressemblant aux monnaies d'or ou d'argent designées dans la section 92, ou dans l'intention de la rendre ressemblante aux dites monnaies d'or ou d'argent, soit à toute pièce ou composition d'un métal quelconque ayant la forme et la dimension nécessaires pour être frappée, et dans l'intention évidente d'imiter ou contrefaire une des monnaies d'or ou d'argent ci-dessus designées,

(1) Any person who by means of any process gives the colour of gold or silver, either to any money resembling the gold and silver money mentioned in section 92 or with the intention to make it resemble the said gold or silver money, or to any blank of base metal made of a suitable size and figure to be coined, and with the manifest intention of imitating or counterfeiting any of the coins of gold or silver hereinbefore mentioned,

shall be punished by penal servitude.

(2) La même peine sera appliquée à tout individu qui, pour augmenter la valeur d'une monnaie d'argent ou de cuivre, ayant cours légal, lui aura donné la couleur d'or ou d'argent.

(2) The like punishment shall be applied to any person who, for the purpose of increasing the value of any money of silver or copper having legal currency, shall give thereunto the colour of gold or silver.

#### **94 Dealing in and importing counterfeit gold or silver coin**

Quiconque aura acheté, vendu, émis, reçu ou donné en paiement, ou qui aura proposé d'acheter, vendre, émettre, recevoir ou donner en paiement toute monnaie fausse ou contrefaite, ressemblant ou qu'on aurait évidemment cherché à rendre ressemblante aux monnaies designées aux sections 92 et 93, à un taux inférieur à celui de la monnaie véritable de la même dénomination, ou qui aura introduit de l'extérieur à Maurice de telles monnaies d'or ou d'argent qu'il savait être fausses ou contrefaites,

Any person who buys, sells, passes off, receives or pays, or proposes to buy, sell, pass off, receive, or pay, any false or counterfeit coin, resembling or evidently made with intent to resemble any of the coins mentioned in sections 92 and 93, for a lower rate or value than that of the true coin of the same denomination, or any person who imports into Mauritius any such false or counterfeit coin, knowing the same to be false or counterfeit,

shall be punished by penal servitude.

#### **95 Knowingly offering counterfeit gold or silver coin**

(1) Toute personne qui, sciemment, aura offert, présenté ou émis des monnaies d'or ou d'argent fausses ou contrefaites, ressemblant ou qu'on aurait cherché à rendre ressemblantes aux monnaies d'or ou d'argent designées aux sections 92, 93 et 94, sera punie d'un emprisonnement qui n'excèdera pas un an.

(1) Any person who knowingly offers, tenders or utters any false or counterfeit coin of gold or silver, resembling or made with intent to resemble any of the coins of gold or silver mentioned in sections 92 to 94 shall be punished by imprisonment for a term not exceeding one year.

(2) Le même fait, lorsque la personne convaincue aura été trouvée avoir en sa possession, dans le même temps, une ou plusieurs autres pièces de monnaie d'or ou d'argent ci-dessus designées, fausses ou contrefaites, ou si la même personne a, le même jour, ou dans les 10 jours suivants, offert, présenté ou émis aucune des dites monnaies fausses ou contrefaites d'or ou d'argent, sachant qu'elles étaient fausses ou contrefaites, pourra être puni du maximum de l'emprisonnement.

(2) Where the offender at the time of such act is found to have in his possession, at the same time, one or more other pieces of false or counterfeit coin of gold or silver as above described, or where the offender, either the same day, or within the following 10 days, offers, tenders or utters any such other false or counterfeit coin of gold or silver, knowing the same to be false or counterfeit, such offender may be punished by the maximum term of imprisonment.

(3) En cas de récidive de délit prévu à la présente section,

(3) In case of a subsequent conviction for an offence under this section,

the punishment shall be penal servitude.

#### **96 Knowingly uttering counterfeit gold or silver coin.**

(1) Toute personne qui sera trouvée avoir en sa possession 3 ou un plus grand nombre de pièces de monnaies fausses ou contrefaites, ressemblant ou qu'on aurait cherché à rendre ressemblantes aux monnaies d'or ou d'argent ci-dessus désignées, sachant que les dites monnaies étaient fausses ou contrefaites, et avec l'intention de les mettre en circulation,

(1) Any person who is found to have in his possession 3 or more pieces of false or counterfeit coin, resembling, or made with intent to resemble any of the coins of gold or silver above mentioned, knowing them to be false or counterfeit, and with the intention to utter the same,

shall be punished by penal servitude for a term not exceeding 3 years.

(2) En cas de récidive, le coupable,

(2) In case of a subsequent conviction for a like offence the offender,

shall be punished by penal servitude.

[R 2/83]

#### **97 Making or possessing instrument used for counterfeiting gold or silver coin**

Any person who, without lawful authority or excuse, the proof of which shall lie on him, knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, edger, edging or other tool, collar, instrument, press or engine, which is adapted and intended for the false making, counterfeiting or marking, of any gold or silver coin mentioned in sections 92 to 96, shall be punished by penal servitude.

#### **98 Counterfeiting copper coin**

Where the offence relates to any copper or cupro-nickel coin lawfully current in Mauritius, or in any other State, the punishment shall be –

- (a) for an offence under section 92, 93 or 94, penal servitude for a term not exceeding 7 years;
- (b) for an offence under section 95 or 96, imprisonment for a term not exceeding one year;
- (c) for an offence under section 97, penal servitude for a term not exceeding 7 years.

[R 2/83]

#### **99 Forfeiture of counterfeit coin and instrument**

All false or counterfeit coins mentioned in sections 92 to 96 and 98 and all instruments, tools, engines mentioned in section 97 shall be forfeited by the Court before which the offender is tried, or, if there is no trial, by order of a Magistrate.

#### **100 Counterfeiting seal, mark or bank note**

- (1) Any person who –
  - (a) counterfeits the seal of Mauritius, or makes use of such counterfeit seal;
  - (b) forges or counterfeits any securities issued by the Accountant-General with the stamp thereof; or
  - (c) knowing that such securities are forged or counterfeit makes use thereof, or introduces them into Mauritius,

shall be punished by penal servitude.

- (2) (a) Any person who –

- (i) forges or counterfeits any bank note, or any word, letter, figure, mark, sign, signature or facsimile upon or attached to any bank note;
  - (ii) utters any forged or counterfeit bank note, knowing it to be forged or counterfeit; or
  - (iii) introduces into Mauritius or, without lawful authority or excuse (the proof of which shall lie on him), purchases, receives or obtains from any other person, or has in his custody or possession, any forged or counterfeit bank note, knowing it to be forged or counterfeit, shall be punished by penal servitude.
- (b) In paragraph (a), "bank note" includes any note of any bank or person carrying on the business of banking in any part of the world, and includes any currency note issued by or on behalf of the Government of Mauritius or of any other country.
- (c) For the purposes of paragraph (b), "currency note" includes any notes which are legal tender in the country in which they are issued.

(3) Any person who, without lawful authority or excuse, the proof of which shall lie on him

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as special paper such as is provided and used for making any bank note;
- (b) makes, uses, or knowingly has in his custody or possession any frame, mould or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper;
- (c) engraves or in any way makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print of which resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any bank note;
- (d) uses or knowingly has in his custody or possession any plate, wood, stone or other material upon which any such words, figures, letters, marks, lines or devices have been engraved or in any way made as aforesaid;
- (e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in any way made as aforesaid,

shall be punished by penal servitude

(4) Any forged or counterfeit bank note, or any machinery, implement, utensil or material used or intended to be used for the forging or counterfeiting of a bank note shall be forfeited by the Court, or, if there is no trial, by order of a Magistrate.



### 101 Counterfeiting court seal

Ceux qui auront –

(a) contrefait ou falsifié les sceaux d'une cour de justice ou d'une autorité quelconque, soit le poinçon servant à marquer les matières d'or ou d'argent; ou

(b) fait usage de papiers, effets, sceaux, ou poinçons falsifiés ou contrefaits, sachant qu'ils étaient contrefaits ou falsifiés,

shall be punished by penal servitude.

### 102 Unlawful use of seal

Quiconque s'étant indûment procuré les vrais sceaux ou poinçons ayant l'une des destinations exprimées en la section 101 en aura fait une application ou usage préjudiciable aux droits ou intérêts de l'Etat,

shall be punished by penal servitude.

Any person who –

(a) counterfeits or forges any seal of any court or authority, or any puncheon used for marking wrought gold or silver; or

(b) makes use of any counterfeit or forged paper, security, seal, or puncheon, knowing it to be forged or counterfeit

Any person who, having unlawfully procured possession of any real and lawful seal or puncheon, intended or destined for the purposes mentioned in section 101, uses or applies it to the prejudice of the rights or interests of the State,

### 103 Counterfeiting mark of Government or trader

Ceux qui –

(a) auront contrefait les marques destinées à être apposées au nom du Gouvernement sur les diverses espèces de denrées ou de marchandises, ou qui auront fait usage de ces fausses marques; ou

(b) counterfeits the mark of any private bank or commercial establishment, or uses or applies such counterfeit mark to the prejudice of the rights or interests of the Government or even of a private establishment,

shall be punished by penal servitude for a term not exceeding 10 years and by a fine not exceeding 10,000 rupees.

[R 2/83; Amended 5/99]

### 104 Altering Government mark

Ceux qui auront contrefait les marques du Gouvernement sur des propriétés particulières, ou qui auront altéré ou effacé sur des propriétés du Gouvernement les marques qui y étaient apposées,

shall be punished by penal servitude

Any person who –

(a) counterfeits any mark destined to be put or placed, in the name of Government, on any goods or merchandise, or makes use of such counterfeit mark; or

Any person who counterfeits any mark of the Government placed upon private property, or alters or erases any mark placed upon the property of the Government,

## 105 Altering manufacturer's label

(1) Quiconque aura, soit apposé, soit fait apparaître par addition, retranchement, ou par une altération quelconque sur des objets fabriqués, le nom d'un fabricant autre que celui qui en est l'auteur, ou la raison commerciale d'une fabrique autre que celle où les dits objets auront été fabriqués, ou enfin le nom d'un lieu autre que celui de la fabrication, sera puni d'un emprisonnement qui n'excèdera pas un an, et d'une amende qui n'excèdera pas 10,000 roupies

(1) Any person who places or causes to appear, by any addition, retrenchment, or alteration, upon any manufactured article, the name of a manufacturer, other than the real one, or the commercial name of a manufactory other than that where such article was made, or the name of a place different from that where such article was made, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

(2) Tout marchand, commissionnaire ou débitant quelconque, sera passible des effets de la poursuite, lorsqu'il aura sciemment exposé en vente ou mis en circulation les objets marqués de noms supposés ou altérés.

(2) Any trader, agent, or retailer who knowingly exposes for sale, or puts into circulation, any such article, marked with a fictitious or counterfeit name, shall be liable to the like punishment.

[Amended 29/90; 5/99]

## 105A Electronic document or writing

For the purposes of sections 106 to 109, 111 and 112, a document or writing includes any disc, tape, sound track or other device on or in which data is recorded or stored by mechanical, electronic or other means.

[Added 22/03]

## 106 Forgery by public officer

Tout fonctionnaire ou officier public qui, dans l'exercice de ses fonctions, aura commis un faux –

- (a) soit par fausses signatures;
- (b) soit par altération des actes, écritures, dates ou signatures;
- (c) soit par supposition de personnes;
- (d) soit par des écritures faites ou intercalées sur des registres ou d'autres actes publics, depuis leur confection ou clôture,

Any functionary, or public officer, acting in the discharge of his duty, who commits a forgery –

- (a) by a false signature;
- (b) by the alteration of any act, date, writing, or signature;
- (c) by falsely stating the presence of a person; or
- (d) by any writing made or interpolated in any register or other public act, after it has been completed or closed,

shall be punished by penal servitude.

## 107 Fraudulent alteration of public document

Tout fonctionnaire ou officier public qui, en rédigeant des actes de son ministère en aura frauduleusement dénaturé la substance ou les circonstances, soit en écrivant des conventions autres que celles qui auraient été tracées ou dictées par les parties, soit en constatant comme vrais des faits faux, ou comme avoués des faits qui ne l'étaient pas,  
shall be punished by penal servitude.

Any functionary, or public officer who, in drawing up a document or writing in the discharge of his duty, fraudulently alters its substance or particulars, whether by inserting any condition other than that directed or dictated by the parties, or by stating any false fact as true, or any fact as acknowledged which has not been so acknowledged,

### **108 Forgery by private individual of public or commercial writing**

Toutes autres personnes qui auront commis un faux en écriture authentique et publique, ou en écriture de commerce ou de banque –

- (a) soit par contre-façon ou altération d'écritures, dates ou signatures, ou l'emploi d'un nom supposé;
- (b) soit par fabrication de conventions, dispositions, obligations ou décharges, ou par leur insertion après coup dans ces actes;
- (c) soit par addition aux clauses, déclarations ou faits que ces actes avaient pour objet de recevoir et de constater, ou par altération des dites clauses, faits ou déclarations,

Any other person who commits a forgery in an authenticated and public writing, or in a commercial or bank writing –

- (a) by counterfeiting or altering any writing, date or signature, or by the use of a fictitious name;
- (b) by fabricating any agreement, condition, obligation or discharge, or inserting it in any such act after it has been completed; or
- (c) by adding to any clause, statement or fact which such act was intended to contain and certify, or by altering such clause, fact or statement,

shall be punished by penal servitude.

### **109 Making use of forged public writing**

Dans tous les cas exprimés aux sections 106 à 108, celui qui aura fait usage des actes faux, sachant qu'ils étaient faux,

In every case specified in sections 106 to 108, any person who makes use of any forged document or writing knowing it to be forged,

shall be punished by penal servitude for a term not exceeding 10 years.

[R 2/83]

**110 Sections 106-109 not applicable to passport**

Seront exceptés des dispositions des sections 106 à 109, les faux commis dans les passeports, sur lesquels il sera particulièrement statué ci-après, et les faux commis dans les certificats de l'espèce dont il sera fait mention aux sections 114 à 120.

Nothing in sections 106 to 109 shall apply to any forgery committed in a passport, or to any forgery committed in such certificates as are mentioned in sections 114 to 120.

**111 Forgery of private writing**

Tout individu qui aura de l'une des manières exprimées en la section 108, commis un faux en écriture privée,

Any person who by one of the means specified in section 108, forges a private writing,

shall be punished by penal servitude for a term not exceeding 10 years.

[R 2/83]

**112 Making use of forged private writing**

Sera puni des mêmes peines, celui qui aura fait usage de la pièce fautive, sachant qu'elle était fautive.

The like punishment shall be inflicted upon any person who makes use of the forged writing, knowing it to be forged.

**113 Sections 111 and 112 not applicable to certificate covered by sections 117-119**

Sont exceptés des dispositions des sections 111 et 112, les faux certificats de l'espèce dont il est parlé aux sections 117 à 119

The forged certificates mentioned in sections 117 to 119 are excepted from the provisions of sections 111 and 112.

**114 Forgery of passport**

Quiconque fabriquera un faux passeport ou falsifiera un passeport originairement véritable, ou fera usage d'un passeport fabriqué ou falsifié, sera puni de l'emprisonnement.

Any person who forges a passport or falsifies a passport originally genuine, or makes use of a forged or falsified passport, shall be punished by imprisonment.

**115 Public officer delivering unauthorised passport**

Tout fonctionnaire public qui aura délivré un passeport sans observer les dispositions du Passport Act sera puni d'un emprisonnement qui n'excèdera pas un an.

Any public officer who delivers a passport otherwise than in accordance with the Passport Act shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year.

116 –

**117 Forgery of medical certificate**

Toute personne qui, pour se redimer elle-même ou en affranchir une autre d'un service public quelconque, fabriquera, sous le nom d'un médecin ou chirurgien, un certificat de maladie ou d'infirmité,

Any person who, for the purpose of relieving himself, or of freeing any other person from any public service forges under the name of a physician or surgeon, a certificate of sickness or infirmity,

shall be punished by penal servitude for a term not exceeding 5 years.

[R 2/83]

**118 Medical officer issuing false certificate**

(1) Tout médecin, chirurgien, ou dentiste qui, dans l'exercice de ses fonctions et pour favoriser quelqu'un, certifiera faussement ou dissimulera l'existence de maladies ou infirmités, ou fournira des indications mensongères sur l'origine d'une maladie ou d'une infirmité ou la cause d'un décès, sera passible de servitude pénale n'excédant pas 5 ans.

(2) S'il a été mû par dons ou promesses, il sera passible, ainsi que le corrupteur, de servitude pénale n'excédant pas 10 ans.

(1) Any medical practitioner, surgeon or dentist who, in the exercise of his functions, for the purpose of procuring an advantage to any person, falsely certifies or falsely conceals the existence of any disease or infirmity, or who gives false information with respect to the cause of such disease or infirmity or with respect to the cause of any death, shall be liable to penal servitude for a term not exceeding 5 years.

(2) Where any physician, surgeon or dentist has been induced thereunto by any gift or promise, he and any person who has offered such gift or promise shall be liable to penal servitude for a term not exceeding 10 years.

[R 2/83]

#### **119 Forgery and making use of character certificate**

(1) Quiconque fabriquera, sous le nom d'un fonctionnaire ou officier public, un certificat de bonne conduite, indigence ou autres circonstances propres à appeler la bienveillance du Gouvernement ou des particuliers sur la personne y désignée, et à lui procurer place, crédit ou secours, sera puni de l'emprisonnement.

- (2) La même peine sera appliquée –
- (a) à celui qui falsifiera un certificat de cette espèce, originairement véritable, pour l'approprier à une personne autre que celle à laquelle il a été primitivement délivré;
  - (b) à tout individu qui se sera servi du certificat ainsi fabriqué ou falsifié.

(1) Any person who forges, under the name of a functionary or public officer, a certificate of good behaviour, poverty, or other circumstance calculated to excite the good will of the Government or of individuals towards the person therein described, and to obtain for such person any situation, credit, or assistance, shall be punished by imprisonment.

- (2) The like punishment shall be applied –
- (a) to any person who forges a certificate of the above description, originally genuine, for the purpose of appropriating it to any individual other than the person to whom it was originally delivered;
  - (b) to any person who makes use of such forged or falsified certificate.

## **120 Forgery and making use of other forged certificate**

Les faux certificats ou fausses permissions de toute autre nature, d'où il pourrait résulter, soit lésion envers des tiers, soit préjudice envers le Trésor Public, soit quelque avantage illicite pour la personne qui en aurait fait usage, seront punis selon qu'il y aura lieu, d'après les dispositions des sections 106 à 120 ou seulement des peines correctionnelles.

Any false certificate or false permission of any other description, from which there might result, either injury towards third parties, or prejudice towards the Treasury, or any unlawful advantage to the person making use of the same, shall be punished according to sections 106 to 120, or only by a correctional punishment, according to the circumstances of the case.

## **121 Fine for forgery**

Toute personne déclarée coupable de faux ou d'usage de faux de toute nature sera passible d'une amende n'excédant pas 25,000 roupies qui, lorsqu'elle sera infligée, pourra être prononcée soit au lieu de la peine d'emprisonnement ou de servitude pénale prévue dans chaque cas soit en même temps que cette peine.

Toute personne déclarée coupable de faux ou d'usage de faux de toute nature sera passible d'une amende n'excédant pas 25,000 roupies qui, lorsqu'elle sera infligée, pourra être prononcée soit au lieu de la peine d'emprisonnement ou de servitude pénale prévue dans chaque cas soit en même temps que cette peine.

[Amended 5/99]

## **122 Embezzlement and larceny by public officer or notary**

(1) Tout percepteur, tout commis à une perception, dépositaire ou comptable public, qui aura détourné ou soustrait des deniers publics ou privés, ou effets actifs en tenant lieu, ou des pièces, titres, actes, effets mobiliers qui étaient entre ses mains en vertu de ses fonctions, sera passible de servitude pénale et aussi d'une amende qui ne pourra excéder la totalité de la somme détournée.

(2) Les mêmes peines seront applicables à tout notaire qui aura soustrait ou détourné des pièces, titres, valeurs, deniers ou effets actifs dont il serait dépositaire.

(1) Any collector or person appointed to collect public money, or any public depositary or accountant, who embezzles or purloins public or private money, or any security representing the same, or any document, title, deed, movable effects, being in his charge by virtue of his functions, shall be punished by penal servitude, together with a fine not exceeding the whole amount of the sum embezzled.

(2) The like punishment shall be applicable to any notary who embezzles or purloins any document, title, security, money, or valuable security of which he may be the depositary.

### **123 Embezzlement and larceny of deed by public officer**

(1) Tout juge, administrateur, fonctionnaire ou officier public qui aura détruit, supprimé, soustrait ou détourné les actes et titres dont il était dépositaire en cette qualité ou qui lui auront été remis ou communiqués à raison de ses fonctions,

(1) Any judge, administrator, functionary, or public officer, who destroys, suppresses, embezzles or purloins any deed or title, of which he may, in such capacity, be the depository, or which may have been delivered or communicated to him by virtue of his functions,

shall be punished by penal servitude for a term not exceeding 10 years

(2) Tous agents, préposés ou commis, soit du Gouvernement, soit des dépositaires publics qui se seront rendus coupables des mêmes faits, seront soumis à la même peine.

(2) Any agent, clerk or servant whether of the Government, or of a public depository, who shall be convicted of the like offence, shall be subject to a like punishment.

[R 2/83]

### **124 Extortion by public officer**

(1) Tous fonctionnaires, tous officiers publics, leurs commis ou préposés, tous percepteurs des droits, taxes, contributions, deniers, revenus publics ou communaux, et leurs commis ou préposés, qui se seront rendus coupables du crime de concussion ou d'exaction, en ordonnant de percevoir, ou en exigeant ou recevant ce qu'ils savaient n'être pas dû ou excéder ce qui était dû pour droits, taxes, contributions, deniers ou revenus, ou pour salaires ou traitements,

(1) Any functionary, or public officer, or any of their clerks or servants, or any collector of duties, taxes, contributions, money, public or municipal rents, or any clerk or servant of such collector who shall be convicted of the crime of extortion or exaction, in ordering the levy of or in exacting or receiving that which he knew not to be due or to exceed what was due for duties, taxes, contributions, money or rent, or for wages or salary,

shall be punished as follows – such functionary or public officer by penal servitude for a term not exceeding 10 years, and such clerk or servant by imprisonment.

(2) Les coupables pourraient de plus, être condamnés à une amende qui ne pourra excéder la somme de 5,000 roupies.

(2) The offender may, in addition, be sentenced to a fine not exceeding 5,000 rupees.

[R 2/83; Amended 5/99]

**125-133A** Repealed 5/02

**134-136** –

**137 Public officer exercising functions without lawful authority**

Tout fonctionnaire public révoqué, destitué, suspendu ou interdit légalement, qui, après en avoir eu la connaissance officielle, aura continué l'exercice de ses fonctions, sera puni de l'emprisonnement et d'une amende qui n'excèdera pas 10,000 roupies, sans préjudice des peines portées en la section 64.

Any public functionary being lawfully relieved, dismissed, suspended or interdicted, and who after having had official notice thereof, shall continue the exercise of his functions, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees, without prejudice to the punishment specified in section 64.

[Amended 29/90; 5/99]

### **138 Offences by public officers**

Hors les cas où la loi règle spécialement les peines encourues pour crimes ou délits commis par les fonctionnaires ou officiers publics, ceux d'entre eux qui auront participé à d'autres crimes ou délits qu'ils étaient chargés de surveiller ou de réprimer, subiront toujours le maximum de la peine attaché à l'espèce du délit ou du crime.

Except in those cases where the law specially determines the punishments incurred for crimes or misdemeanours committed by public officers or functionaries, those among them who participate in any other crime or misdemeanour, which it was their duty to watch over, or to repress, shall always suffer the maximum of the punishment attached to that description of misdemeanour or crime.

### **139 Taking part in unlawful assembly**

(1) Any person who takes part in an unlawful assembly shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) In this section and in the following sections "unlawful assembly" means 12 or more persons who –

- (a) are assembled with intent to commit an offence; or
- (b) being assembled even for a lawful purpose, conduct themselves in such a manner as is likely to lead to or provoke a breach of the peace.

[Added 30/91; Amended 5/99]

### **140 Having offensive weapon at unlawful assembly**

(1) Any person who, while taking part in any unlawful assembly or riot, has in his possession an offensive weapon, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to penal servitude for a term not exceeding 5 years.

(2) In this section –

"offensive weapon" means any article made, or adapted for use, or suitable for causing injury to the person, or intended by the person having it in his possession or under his control for that use by him or by some other person.

[Added 30/91]

### **141 Dispersing unlawful assembly**

(1) Any police officer, not below the rank of Assistant Superintendent, may –

- (a) give warning to any person in an assembly that the assembly is unlawful;
- (b) stop and disperse any unlawful assembly.

(2) For the purposes of exercising the powers conferred by subsection (1), a police officer, not below the rank of Assistant Superintendent, may issue such orders as may be necessary and may –



- (a) use such force as may be necessary to stop or disperse the unlawful assembly;  
and
- (b) enter any premises or place in which persons are unlawfully assembled.

[Added 30/91]

#### **142 Remaining in unlawful assembly after warning**

(1) Any person who remains in an assembly after having been duly warned by a police officer, not below the rank of Assistant Superintendent, that the assembly is unlawful shall commit an offence unless he shows to the satisfaction of the Court that he remained in the assembly after the warning through circumstances independent of his will.

(2) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[Added 30/91; Amended 5/99]

#### **143 Taking part in riot**

(1) Any person who takes part in a riot shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 5 years.

(2) In this section –

“riot” means an unlawful assembly which has begun to execute the purpose for which it is assembled by a breach of the peace.

[Added 30/91]

[Ed. Act 1/00 (Public Security Act) which purports to repeal section 143 is not in force]

#### **144 Interpretation of “rebellion”**

Toute attaque, toute résistance avec violence et voies de fait envers les officiers ministériels, les gardes champêtres et forestiers, la force publique, les inspecteurs et gardes des canaux et de guildives, les préposés à la perception des taxes, et de contributions, leurs porteurs de contraintes, les séquestrés, les officiers ou agents de la police administrative ou judiciaire, agissant pour l'exécution des lois, des ordres, ou ordonnances de l'autorité publique, des mandats de justice ou jugements, est qualifiée selon les circonstances, crime ou délit de rébellion.

Any attack, or any resistance by violence or assault against a ministerial officer, or a forest officer, or against the civil or military authorities, or an inspector or keeper of canals or an inspector of distilleries, or any person appointed to collect taxes and contributions, or the bearer of a warrant of arrest, or a sequestrator, officer or agent of the administrative or judicial police, acting for the execution of the laws, orders or warrants issuing from public authority, or of judicial warrants or judgments, is held, according to circumstances, to be a crime, or a misdemeanour of rebellion.

#### **145 Rebellion by more than 20 armed persons**

Where the rebellion is committed by more than 20 armed persons, the offenders shall be punished by penal servitude, and if they were not armed, they shall be punished by imprisonment.

**146 Rebellion by 3 but not more than 20 armed persons**

Where the rebellion is committed by 3 or more armed persons, not exceeding 20 in number, the punishment shall be penal servitude for a term not exceeding 10 years, and if they were not armed, the punishment shall be imprisonment.

[R 2/83]

**147 Rebellion by less than 3 armed persons**

Si la rébellion n'a été commise que par une ou 2 personnes, avec armes, elle sera punie de l'emprisonnement, et si elle a eu lieu sans armes, d'un emprisonnement qui ne pourra excéder 6 mois.

Where the rebellion is committed by one or 2 armed persons only, it shall be punished by imprisonment, and where it is committed without arms, by imprisonment for a term not exceeding 6 months.

**148 Rebellion by band or mob**

En cas de rébellion avec bande ou attroupement, la section 68 sera applicable aux rebelles sans fonctions ni emploi dans la bande, qui se seront retirés au premier avertissement de l'autorité publique.

In case of rebellion committed by a band or mob, section 68 shall be applicable to the rebels without office or employment, in such band, who have retired at the first intimation given by public authority.

**149 Interpretation of "armed meeting"**

Toute réunion d'individus pour un crime ou un délit, est réputée réunion armée, lorsque plus de 2 personnes portent des armes ostensibles.

Any meeting of persons for crime or a misdemeanour, is held to be an armed meeting, where more than 2 persons carry ostensible arms.

**150 Carrying concealed arms**

Les personnes qui se trouveraient munies d'armes cachées, et qui auraient fait partie d'une troupe ou réunion non réputée armée, seront individuellement punies comme si elles avaient fait partie d'une troupe ou réunion armée.

Those persons who are found carrying concealed arms, and who have formed part of a troop or meeting not held to be armed, shall be individually punished in like manner as if they had formed part of an armed troop or meeting.

**151 Penalty for offence committed during rebellion**

Les auteurs des crimes et délits commis pendant le cours et à l'occasion d'une rébellion, seront punis des peines prononcées contre chacun de ces crimes et délits, si elles sont plus fortes que celles de la rébellion.

The authors of any crime or misdemeanour committed during the progress and in consequence of a rebellion, shall suffer the punishment pronounced against such crime or misdemeanour, if such punishment is more severe than that for rebellion.

## 152 Inciting rebellion

(1) Sera puni comme coupable de la rébellion, quiconque y aura provoqué, soit par des discours tenus dans des lieux ou réunions publics, soit par placards affichés, soit par écrits ou imprimés.

(2) Dans le cas où la rébellion n'aurait pas eu lieu le provocateur

(1) Any person who has instigated to rebellion, whether by a speech made in a public place or meeting or by placards posted up, or by any writing or printing, shall be punished as guilty of rebellion.

(2) Where the rebellion has not taken place, the person so instigating

shall be punished by imprisonment for a term not exceeding 1 year.

## 153 Fine for rebellion

Where the sentence is merely imprisonment for rebellion, the offender may also be condemned to a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

## 154 Rebellious meeting

(1) Seront punies comme réunions de rebelles, celles qui auront été formées avec ou sans armes, accompagnées de violences ou de menaces contre l'autorité administrative, les officiers et les agents de police, ou contre la force publique –

- (a) par les ouvriers ou journaliers, dans les ateliers publics, ou dans les manufactures, ou sur les habitations;
- (b) par les individus admis dans les hospices; ou
- (c) par des prisonniers prévenus, accusés, ou condamnés.

(2) La peine sera toujours appliquée à ceux qui auront provoqué la rébellion.

(1) Meetings with or without arms, attended with violence or threats against the administrative authority, or the officers or agents of police, or against the civil or military authorities shall be punished as rebellious meetings, when formed –

- (a) by workmen, or day-labourers, employed in any public works, or in any manufactory, or on any landed estate;
- (b) by persons admitted into an alms house; or
- (c) by prisoners accused or convicted of any offence.

(2) Such punishment shall be always applied to those who have instigated the rebellion.

### 155 Rebellion by prisoner

La peine appliquée pour rébellion à des prisonniers prévenus, accusés ou condamnés, relativement à d'autres crimes ou délits, sera par eux subie, savoir –

- (a) par ceux qui, à raison des crimes ou délits qui ont causé leur détention, sont ou seraient condamnés à une peine non capitale, immédiatement après l'expiration de cette peine; et
- (b) par les autres, immédiatement après l'arrêt ou jugement en dernier ressort, qui les aura acquittés ou renvoyés absous du fait pour lequel ils étaient détenus.

The punishment for rebellion, pronounced against prisoners, persons charged, convicted of any other crime or misdemeanour shall be by them undergone as follows –

- (a) by those who, on account of the crimes or misdemeanours which have caused their detention, are or may be condemned to a punishment not capital, immediately after the expiry of such punishment; and
- (b) by the others immediately after the final decree or judgment, which has acquitted them, or absolved them from the offence for which they were detained.

### 156 Outrage against depository of public authority

(1) L'outrage fait publiquement, d'une manière quelconque, dans l'exercice de leurs fonctions, ou à raison de leurs fonctions, soit à un ou plusieurs membres du Cabinet ou de l'Assemblée Nationale, soit à un Tribunal ou à une Cour de Justice, ou à un ou plusieurs Magistrats, soit à un fonctionnaire public, soit à un ministre d'une religion reconnue à Maurice sera puni de l'emprisonnement, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) Le même délit envers un assesseur ou un juré à raison de ses fonctions, ou envers un témoin à raison de sa déposition, sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 8,000 roupies.

(1) Any outrage committed publicly, in any manner, whether against one or more members of the Cabinet or of the Assembly, or against a tribunal or court or one or more Magistrates, or a public functionary, or a minister of a religion recognised in Mauritius provided such outrage is committed against any of the aforesaid, whilst acting in the exercise of their functions, or on account of such functions, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees.

(2) The like offence against an assessor or jurymen on account of his functions, or against a witness on account of his evidence, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 8,000 rupees.

(3) S'il s'agit d'un officier ministériel, ou d'un agent dépositaire de la force publique, la peine sera d'un emprisonnement qui n'excèdera pas 6 mois et d'une amende qui n'excèdera pas 5,000 roupies.

(3) Where the offence is against a ministerial officer, or an agent of the civil or military authorities, the punishment shall be imprisonment for a term not exceeding 6 months, and a fine not exceeding 5,000 rupees.

[R 2/83; Amended 29/90; 5/99]

#### **157 Outrage against commander of civil or military authorities**

La peine sera de l'emprisonnement de 6 mois au plus, si l'outrage mentionné en la section 156 a été dirigé contre un commandant de la force publique.

The punishment shall be imprisonment for a term not exceeding 6 months, if the outrage mentioned in section 156 has been directed against a commander of the civil or military authorities.

#### **158 Assault against member of the Assembly or judicial officer**

(1) Tout individu qui, même sans armes, et sans qu'il en soit résulté de blessures, aura frappé ou assailli un membre du Cabinet, ou de l'Assemblée Nationale, ou un Magistrat dans l'exercice de ses fonctions, ou à l'occasion de cet exercice,

(1) Any person who, even without arms and though no wound should ensue, strikes or assaults a member of the Cabinet, or of the Assembly, or a Magistrate or Judge, in the exercise of his functions, or on account of such functions,

shall be punishment by penal servitude for a term not exceeding 3 years and by a fine not exceeding 10,000 rupees.

(2) Si cette voie de fait a eu lieu dans la Chambre de l'Assemblée, ou à l'audience d'une cour ou d'un tribunal,

(2) Where such assault is committed in the Assembly Chamber, or during the sitting of a court or tribunal,

the punishment may be penal servitude for a term not exceeding 10 years and a fine not exceeding 10,000 rupees.

[R 2/83; Amended 48/91; 5/99]

#### **159 Assault against agent of civil or military authorities**

Any violence of the description specified in section 158, where directed against a ministerial officer, an agent of the civil or military authorities or any person entrusted with a public duty, and where committed whilst such officer, agent or person is performing his public duty or where committed in relation thereto, shall be punished by imprisonment for a term not exceeding one year and by a fine not exceeding 3,000 rupees.

[Amended 29/90]

**160 Assault with wounding or premeditation**

Si les violences exercées contre les fonctionnaires et agents designés aux sections 158 et 159, ont été la cause d'effusion de sang, blessures ou maladie, et dans le cas même où ces violences n'auraient pas causé d'effusion de sang, blessures ou maladie, si les coups ont été portés avec préméditation, ou de guet-apens, la punition sera la servitude pénale.

Where the violence used against the functionaries or agents mentioned in sections 158 and 159 has caused effusion of blood, or a wound, or illness, and, even where such violence has caused no effusion of blood, nor wound, nor illness, where the blows have been given with premeditation or lying in wait, the punishment shall be penal servitude.

**161** –

**162 Witness giving false excuse**

Les témoins cités en justice qui auront allégué une excuse reconnue fausse, seront condamnés à un emprisonnement qui ne pourra excéder un an et à une amende qui n'excèdera pas 10,000 roupies.

Any witness, judicially summoned, who has alleged an excuse proved to be false, shall be condemned to imprisonment for a term not exceeding one year and to a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

**163 Penalty for responsible officer in case of escape of prisoner**

Toutes les fois qu'une évasion de détenus aura lieu, les officiers et gardes de Police, les concierges, gardiens, geôliers, et tous autres préposés à la conduite, au transport ou à la garde des détenus, seront punis comme indiqué aux sections 164 à 172.

Where a prisoner escapes, the officers and constables of Police, the keepers of prisons, gaolers, turnkeys, and all other persons entrusted with the charge, conveyance, or custody of such prisoner shall be punished in the manner specified in sections 164 to 172.

**164 Aiding prisoner charged with misdemeanour**

Where the party escaping is charged with, or accused, or convicted, of a misdemeanour, the person entrusted with the custody or conveyance of such party shall be punished, in the case of negligence, by imprisonment for a term not exceeding 3 months, and in the case of connivance, by imprisonment for a term not exceeding 2 years.

**165 Aiding prisoner charged with crime**

Si le détenu évadé était prévenu ou accusé d'un crime ou condamné pour crime, la peine sera contre les préposés à sa garde ou conduite, en cas de négligence, un emprisonnement qui ne pourra excéder 6 mois et en case de connivence, la peine sera une servitude pénale qui ne pourra excéder 5 ans.

Where the party escaping is charged with, or accused, or convicted of a crime, the punishment, as regards the persons entrusted with the custody or conveyance of such party, shall in the case of negligence, be imprisonment for a term not exceeding 6 months and in the case of connivance, the punishment shall be penal servitude for a term not exceeding 5 years.

[R 2/83]

**166 Aiding prisoner to escape by violence**

Where the escape has been effected or attempted by violence or breach of prison, the punishment as regards those who have aided it by furnishing any instrument calculated for effecting such escape, shall, where the party escaping is of the description specified in section 164, be imprisonment, and of that in section 165, be penal servitude for a term not exceeding 5 years.

[R 2/83]

### **167 Third party aiding prisoner to escape by violence**

(1) Si les violences ou le bris de prison ont été exercés par des tiers pour favoriser l'évasion du prisonnier, les coupables

(1) Where the violence, or breach of prison has been committed by third parties, for the purpose of aiding the escape of the prisoner, the offenders

shall be punished by penal servitude for a term not exceeding 10 years.

[R 2/83]

### **168 Aiding prisoner to escape by supply of arms**

(1) Where such escape has been facilitated by the supply of any arms, the keeper or person entrusted with the conveyance of the prisoner who has participated in such escape, shall be punished by penal servitude for a term not exceeding 10 years.

(2) Where the crime is committed by another person, that person shall be liable to the same punishment.

[R 2/83]

### **169 Supplying prisoner with instrument for escape**

Toute personne qui aura fourni aux détenus, ou cherché à introduire dans les prisons, des instruments ou toutes choses propres à favoriser l'évasion, sera punie de l'emprisonnement qui n'excèdera pas un an.

Any person who supplies a prisoner with, or endeavours to introduce into a prison, any instrument, or anything calculated to facilitate the escape of a prisoner, shall be punished by imprisonment for a term not exceeding one year.

### **170 Escaping from legal custody**

A l'égard des détenus qui se seront évadés ou qui auront tenté de s'évader par bris de prison ou par violences, ils seront, pour ce seul fait, punis d'un emprisonnement qui ne pourra excéder un an, et subiront cette peine immédiatement après l'expiration de celle qu'ils auront encourue pour le crime ou délit à raison duquel ils étaient détenus, ou immédiatement après l'arrêt ou jugement qui les aura acquittés ou renvoyés absous du dit crime ou délit, le tout sans préjudice de plus fortes peines qu'ils auraient pu encourir pour d'autres crimes qu'ils auraient commis dans leurs violences.

Any prisoner who escapes or attempts to escape, by breach of prison or by violence, shall, for such act only, be punished by imprisonment not exceeding one year, and shall undergo such punishment immediately after the expiry of that which he incurred for the crime or misdemeanour for which he was imprisoned, or immediately after the decree or judgment which acquitted or absolved him from such crime or misdemeanour, the punishment being without prejudice to any severer punishment which he may have incurred for any other crime which he may have committed in the course of such violence.

### **171 Penalty not applicable in case of negligence of responsible officer**

Les peines d'emprisonnement établies aux sections 163 à 170 contre les

conducteurs ou gardiens, en cas de négligence seulement, cesseront lorsque les

évadés seront repris ou représentés, pourvu que ce soit dans les 4 mois de l'évasion, et qu'ils ne soient pas arrêtés pour d'autres crimes ou délits commis postérieurement.

The punishment of imprisonment provided in sections 163 to 170 against

#### **172 Harboursing criminal**

(1) Ceux qui auront recélé ou fait receler des personnes qu'ils savaient avoir commis des crimes, avoir été condamnés pour ces mêmes crimes ou qu'ils savaient être sous le coup d'un mandat de dépôt ou d'arrêt, seront punis de la peine de l'emprisonnement

(2) Son exceptés de la présente disposition les ascendants ou descendants, époux ou épouse, frères ou soeurs des criminels recelés.

those entrusted with the conveyance or custody of any prisoner, shall, in the case of negligence only, cease, on the party that had escaped being captured or produced, where that takes place within 4 months of such escape and that such party has not been arrested for any other crime or misdemeanour committed subsequently.

(1) Any person who harbours, or causes to be harboured, any person whom he knew to have committed a crime, or to have been condemned for such crime, or against whom he knew that a warrant of arrest or imprisonment had been issued, shall be punished by imprisonment.

(2) Relations in the direct line of ascent or descent, and the husband or wife, brother or sister of the offenders so harboured are excepted from subsection (1).

#### **173 Failing to prevent breaking of Government seal**

Lorsque des scellés apposés, soit par ordre du Gouvernement, soit par suite d'une ordonnance de justice rendue en quelque matière que ce soit, auront été brisés, les gardiens seront punis, pour simple négligence, d'un emprisonnement qui ne pourra excéder 6 mois.

Where a seal affixed, whether by order of the Government, or under a judicial decree made in any matter, is broken, the person in charge of it, for mere negligence, shall be punished by imprisonment for a term not exceeding 6 months.

#### **174 Penalty where seal relates to criminal proceedings**

Where such breaking of seals relates to papers or effects appertaining to a criminal proceeding, or to an individual charged with, or accused of, a crime punishable by death, or penal servitude, or who has been sentenced to one of these punishments, the person in charge shall, for his negligence, be punished by imprisonment.

#### **175 Breaking of seal relating to criminal proceedings**

Any person who wilfully breaks any seal affixed on papers or effects specified in section 174, or participates in such breaking of seal, shall be punished by penal servitude for a term not exceeding 5 years, or by imprisonment, and where he was the guardian of the papers or effects, he may be punished by penal servitude for a term not exceeding 10 years.

[R 2/83]



**176 Breaking of other seal**

With respect to all other breakings of seals, the offender shall be punished by imprisonment, and where he is the guardian thereof, he may be punished by penal servitude for a term not exceeding 5 years.

[R 2/83]

**177 Larceny by breaking of seal**

Tout vol commis à l'aide d'un bris de scellés, sera puni comme vol commis à l'aide d'effraction.

Any larceny committed by means of the breaking of a seal, shall be punished as larceny with breaking.

**178 Failing to prevent purloining of document entrusted to depository**

Quant aux soustractions, destructions, et enlèvements de pièces ou de procédures criminelles, ou d'autres papiers, registres, actes et effets, contenus dans les archives, greffes, ou dépôts publics, ou remis à un dépositaire public en cette qualité, les peines seront, contre les greffiers, archivistes, notaires ou autres dépositaires négligents, d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies.

With regard to the purloining, destruction, or carrying off of criminal proceedings or articles appertaining thereto, or of any other papers, registers, deeds, or effects contained in the archives, registries or places of public deposit, or entrusted to a public depository in his capacity as such, the punishment for negligence to be applied to the registrar, archivist, notary or other depository, shall be imprisonment for a term not exceeding one year, and a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

**179 Purloining of document from place of public deposit**

(1) Any person who is convicted of the purloining, carrying off, or destruction, specified in section 178 shall be punished by penal servitude for a term not exceeding 10 years.

(2) Where such crime is committed by the depository himself, he shall be punished by penal servitude.

[R 2/83]

**180 Breaking of seal, and purloining of document, by violence**

Where such breaking of seal, purloining, carrying off or destruction of articles is committed with violence towards any person, the punishment shall be penal servitude for a term not exceeding 10 years, without prejudice to any severer punishment which the nature of such violence, or of any other crime by which it may be attended, may require.

[R 2/83]

## 181 Damaging monument

(1) Quiconque aura détruit, abattu, mutilé ou dégradé des monuments, statues, et autres objets destinés à l'utilité ou à la décoration publique, et élevés par l'autorité publique ou avec son autorisation, sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) La même peine sera portée à tout enlèvement ou dégradation de signes publics du Président.

(3) Si les monuments, statues, ou autres objets détruits, abattus, mutilés ou dégradés étaient consacrés, soit à la religion, soit à l'un des cultes autorisés à Maurice, le coupable sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies

(4) La peine sera de l'emprisonnement, et d'une amende qui n'excèdera pas 15,000 roupies, si le délit a été commis à l'intérieur d'un édifice consacré à la religion, ou à l'exercice d'un culte autorisé à Maurice.

[Amended 29/90; 48/91; 5/99]

### 181A Protection of flag

(1) Any person who, by any means or in any manner –  
(a) holds up to; or  
(b) brings into,  
hatred or ridicule the Flag of Mauritius or of any other State shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Where in any criminal proceedings, any question arises whether or not a flag is the Flag of Mauritius or that of any other State, a certificate issued by or under the authority of the Prime Minister stating any fact relating to that question shall be conclusive evidence of that fact.

[Amended 30/91; 5/99]

## 182 Usurping public function

Quiconque, sans titre, se sera immiscé dans des fonctions publiques, civiles ou militaires, ou aura fait les actes d'une de ces fonctions, sera puni de

(1) Any person who destroys, throws down, mutilates, or damages any monument, statue, or other object intended for public utility or embellishment and erected by public authority, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

(2) The like punishment shall apply to any carrying away of, or any damage done to, any public symbol of the President.

(3) Where such monument, statue, or other object, so destroyed, thrown down, mutilated or damaged, was devoted to any one of the cults or religions authorised in Mauritius, the offender shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

(4) The punishment shall be imprisonment, and a fine not exceeding 15,000 rupees, if such offence is committed in the interior of a building devoted to religion, or to the practice of any religion which is authorised in Mauritius.

l'emprisonnement, sans prejudice de la peine de faux, si l'acte porte le caractère de ce crime.

Any person who, without any title, takes upon himself any public functions, civil or military, or performs any act appertaining to such functions, shall be punished by

imprisonment, without prejudice to the punishment for forgery, if such act bears the character of that crime.

### **182A Unlawful wearing of uniform**

(1) Any person who, without lawful authority –

- (a) wears any uniform of the Police Force or of the armed forces where he is not entitled to do so;
- (b) wears any article of clothing or other article likely to be mistaken for uniform mentioned in paragraph (a) unless he satisfies the court that he had no intention that it should be so mistaken;
- (c) has in his possession, or sells or otherwise disposes of, a uniform mentioned in paragraph (a), to any person who is not authorised to wear that uniform,

shall commit an offence.

(2) (a) No person shall import a uniform mentioned in subsection (1)(a) without the permission of the Commissioner of Police.

(b) A person who fails to comply with paragraph (a) shall commit an offence.

(3) In this section –

“uniform” includes headgear, badge, brassard, clothing, equipment and every article forming part of a uniform.

(4) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[Amended 30/91; 5/99]

### **183 Interference with freedom of conscience**

Tout particulier qui par des voies de fait ou des menaces, aura contraint ou empêché une ou plusieurs personnes d'exercer l'un des cultes autorisés, d'assister à l'exercice de ce culte, de célébrer certaines fêtes, d'observer certains jours de repos, et en conséquence, d'ouvrir et de fermer leurs ateliers, boutiques ou magasins, et de faire ou quitter certains travaux, sera puni, pour ce seul fait, d'une amende qui ne pourra excéder 10,000 roupies, et d'un emprisonnement qui n'excèdera pas 2 mois.

Any person who by open and overt act, or by threats, compels another to practise one of the authorised religions or to attend the practice of such religion, or to celebrate certain days of rest, or prevents him therefrom, and any person who, in consequence, compels him to open or shut his manufactories, shops or premises, and to perform or discontinue certain works, or who prevents him therefrom, shall be punished for such offence alone, by a fine not exceeding 10,000 rupees, and by imprisonment for a term not exceeding 2 months.

[Amended 29/90; 5/99]

**184 Disturbing religious ceremony**

Ceux qui, soit dans les édifices destinés ou servant actuellement à l'exercice d'un culte établi à Maurice, soit même à l'extérieur de cet édifice, auront troublé ou empêché les cérémonies de ce culte, seront punis d'une amende qui ne pourra excéder 10,000 roupies, et ils pourront en outre être condamnés à un emprisonnement qui n'excèdera pas 6 mois.

[Amended 29/90; 5/99]

**185 Outrage on religious worship**

Toute personne qui aura, par paroles ou gestes, outragé les objets d'un culte dans les lieux destinés ou servant actuellement à son service, ou les ministres de ce culte dans leurs fonctions, sera punie d'une amende qui ne pourra excéder 10,000 roupies, et elle pourra en outre être condamnée à un emprisonnement qui n'excèdera pas un an.

[Amended 29/90; 5/99]

**186 Assaulting and outraging minister of religion**

Quiconque aura assailli ou frappé le ministre d'un culte dans ses fonctions sera puni d'une amende qui ne pourra excéder 10,000 roupies, et de l'emprisonnement.

[Amended 5/99]

**187 Penalty not applicable where there is a severer penalty**

Les sections 183 à 186 ne s'appliquent qu'aux troubles, outrages et voies de fait dont la nature ou les circonstances ne donneront pas lieu à de plus fortes peines, d'après les autres dispositions du présent Code.

**188 Association of malefactors**

Toute association de malfaiteurs envers les personnes ou les propriétés, est un crime contre la paix publique.

Any person who, whether in a building devoted to or actually used for the practice of a religion which is established in Mauritius, or even at the outside of such building, disturbs, or prevents the ceremonies of such religion, shall be punished by a fine not exceeding 10,000 rupees and imprisonment for a term not exceeding 6 months.

Any person who, by word or gesture, commits an outrage on the objects used for religious worship in the place devoted to or actually used for such religious worship, or upon any minister of such religion whilst officiating as such, shall be punished by a fine not exceeding 10,000 rupees, and imprisonment for a term not exceeding one year.

Any person who assaults a minister of religion, whilst officiating as such shall be liable to a fine not exceeding 10,000 rupees and to imprisonment.

Sections 183 to 186 apply only to the disturbances, outrages and assaults, which from their nature and circumstances are not punishable with severer penalties under the other provisions of this Code.

Any association of malefactors against the persons or property of individuals, is a crime against the public peace.

### **189 Interpretation of “association of malefactors”**

Ce crime existe par le seul fait d'organisation de bandes, ou de correspondance entre elles et leurs chefs ou commandants, ou de conventions tendant à rendre compte ou à faire distribution ou partage du produit des méfaits.

Such crime exists by the mere fact of an organisation of a band, or of correspondence between such band and its chiefs or commanders, or of an agreement having for object to give an account or to make a distribution or division of the produce of their wrongful acts.

### **190 Ringleader of association of malefactors**

Quand même ce crime n'aurait été accompagné ni suivi d'aucun autre, les auteurs, directeurs de l'association, et les commandants en chef ou en sous ordre de ces bandes,

Where even such crime is not accompanied or followed by any other crime, the author or director of such association, and the chief or subordinate commanders of such band,

shall be punished by penal servitude.

### **191 Forming part of, and aiding or harbouring, association of malefactors**

Tous autres individus faisant partie de ces bandes, et ceux qui auront sciemment et volontairement fourni aux bandes ou à leurs divisions, des armes, munitions, instruments de crimes, logement, retraite ou lieu de réunion,

Any other person forming part of such band, and any person who knowingly and wilfully supplies such band or any portion thereof, with arms, ammunition, instruments of crime, lodging, or place of retreat or meeting,

shall be punished by penal servitude for a term not exceeding 10 years.

[R 2/83]

### **192-195 –**

### **196 Begging**

(1) Toute personne qui aura été trouvée mendiant, s'il existe une maison de refuge et de travail, sera punie d'un mois d'emprisonnement.

(1) Any person found begging, shall, if an asylum or work house is available be punished by imprisonment for one month.

(2) S'il n'existe pas de tel établissement, les mendiants valides seront punis d'un emprisonnement de 15 jours.

(2) Where there is no such establishment, able-bodied beggars shall be punished by imprisonment for 15 days.

(3) Any person referred to in subsection (1) or (2) may, instead of being sentenced to imprisonment, be ordered to pay a fine not exceeding 1,000 rupees.

[Amended 29/90]

### **197 Begging with threat**

Tous mendiants, même invalides, qui auront usé de menaces ou seront entrés sans permission du propriétaire ou des personnes de sa maison, soit dans une habitation, soit dans un enclos en dépendant, ou qui feindront des plaies ou infirmités, ou qui mendieront en réunion, seront punis de l'emprisonnement

Any beggar, even though not able-bodied, who uses threats, or without permission from the owner or person living in a house, enters either into a place of abode, or into any enclosure belonging to it, or who feigns any sore or infirmity, or who begs in a body, shall be punished by imprisonment.

### **198 Interpretation of “vagrant”**

Any beggar, in case of a subsequent conviction for an offence under section 196 or 197, shall be declared to be a vagrant, and shall be punished as prescribed.

**199-200 –**

### **201 Begging with violence**

Tout mendiant qui aura exercé quelque acte de violence que ce soit envers les personnes, sera puni de l'emprisonnement, sans préjudice de peines plus fortes, s'il y a lieu, à raison du genre et des circonstances de la violence.

Any beggar who uses any violence against any person shall be punished by imprisonment, without prejudice to any severer punishment which may be required in consequence of the nature and circumstances of such violence.

### **202 Publishing matter without description of author**

Toute publication ou distribution d'ouvrages, écrits, avis, affiches, bulletins, journaux, feuilles périodiques, et de tous imprimés, dans lesquels ne se trouvera pas l'indication vraie des noms, profession et demeure de l'auteur du manuscrit ou de l'imprimeur, selon qu'il s'agira d'un écrit, ou d'un imprimé, sera, pour ce seul fait, puni d'une amende qui ne pourra excéder 10,000 roupies et d'un emprisonnement qui ne pourra excéder 6 mois contre toute personne qui aura sciemment contribué à la publication ou distribution.

Any publication, or distribution of any work, writing, advertisement, notice, newspaper, periodical paper, or of any other printed writing, which does not contain the real description of the name, profession, and place of abode of the author of the manuscript, or of the printer, as the case may be, shall, on this account alone, make every person, who knowingly contributes to the publication or distribution thereof, liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

[Amended 29/90; 5/99]

### **203 Penalty applicable for revealing author of writing**

Cette disposition pourra être réduite à des peines de simple police –

(a) à l'égard des crieurs, afficheurs, vendeurs ou distributeurs qui auront fait connaître la personne

de laquelle ils tiennent l'écrit ou l'imprimé;

- (b) à l'égard de quiconque, étant coupable du délit prévu à la section 202, aura fait connaître l'imprimeur;
- (c) à l'égard même de l'imprimeur ou du graveur qui aura fait connaître l'auteur ou la personne qui les aura chargés de l'impression ou de la gravure.

The punishment shall be that provided in section 382 in the case of –

- (a) any crier, bill sticker, vendor or distributor, who makes

known the person from whom he received the manuscript or printed writing;

- (b) any person who being guilty of the offences specified in section 202, makes known the printer;
- (c) the printer or engraver who makes known the author or the person who entrusted him with the printing or engraving.

#### **204 Publishing matter conducive to crime**

(1) Si l'écrit ou l'imprimé contient quelques provocations à des crimes ou délits, les crieurs, afficheurs, vendeurs et distributeurs seront punis, comme complices des provocations, à moins qu'ils n'aient fait connaître ceux dont ils tiennent l'écrit ou l'imprimé contenant la provocation.

(2) En cas de révélation, ils n'encourront qu'un emprisonnement qui ne pourra excéder 3 mois, et la peine de complicité ne restera applicable qu'à ceux qui n'auront point fait connaître les personnes dont ils auront reçu l'écrit ou l'imprimé, et à l'imprimeur s'il est connu.

(1) Where the manuscript or printed writing contains any instigation to a crime or a misdemeanour, the crier, bill sticker, vendor or distributor shall be punished as the accomplice of the instigator, unless such crier, bill sticker, vendor or distributor makes known the person from whom he has received the manuscript or printed writing containing such instigation.

(2) Where such disclosure is made, the crier, bill sticker, vendor, or distributor shall only be liable to imprisonment for a term not exceeding 3 months, and the punishment for being an accomplice shall only apply to those who have not made known the persons from whom they received the manuscript or printed writing, and also to the printer, where he is known.

#### **205 Forfeiture of publication**

Dans tous les cas prévus aux sections 202 à 204, il y aura confiscation des exemplaires saisis.

In every case specified in sections 202 to 204, any copies seized shall be forfeited.

#### **206 Outrage against public and religious morality**

- (1) (a) Any person who –
  - (i) by words, exclamations or threats used in a public place or meeting;
  - (ii) by any writing, newspaper, pamphlet or other printed matter, or by any drawing, engraving, picture, emblem or image, sold or distributed or put up for sale or exhibited in any public place or meeting; or
  - (iii) by any placard or handbill exhibited for public inspection, commits any outrage against any religion legally established, or against good morals or against public and religious morality ('la morale publique et

religieuse'), shall on conviction be liable to imprisonment for a term not exceeding one year and to a fine not exceeding 10,000 rupees.

(b) Matters of opinion on religious questions, decently expressed or written, shall not be deemed to be an outrage.

(2) Any person who hawks for sale, or circulates, or exhibits any such writing, newspaper, pamphlet, or other printed matter, drawing, engraving, picture, emblem or image, placard or handbill, shall, on conviction, be liable to the penalty specified in subsection (1).

(3) The copies of any obscene writing, newspaper, pamphlet, or other printed matter, drawing, engraving, picture, emblem or image, placard or handbill, which are exposed to public view, or hawked for sale, may be seized and forfeited.

(4) The Public Officers' Protection Act shall apply to subsection (3).  
[Amended 29/90; 5/99]

### **207 Penalty applicable for revealing author of outrage against religion**

La peine d'emprisonnement et l'amende prononcées par la section 206 sont réduites à des peines de simple police

The punishment shall be that provided in section 382 in the case of –

- (a) à l'égard des crieurs, afficheurs, vendeurs ou distributeurs qui auront fait connaître la personne qui leur aura remis l'objet du délit;
- (b) à l'égard de quiconque aura fait connaître l'imprimeur ou le graveur;
- (c) à l'égard même de l'imprimeur ou du graveur qui aura fait connaître l'auteur ou la personne qui les aura chargés de l'impression ou de la gravure.

- (a) any crier, bill sticker, vendor or distributor, who makes known the person from whom he received the article, by means of which the offence has been committed;
- (b) any person who makes known the printer or engraver;
- (c) the printer, or engraver, who makes known the author or person who entrusted him with the printing or engraving.

### **208 Penalty applicable to author of outrage against religion**

Dans tous les cas exprimés aux sections 202 à 207, et où l'auteur sera connu, il ne pourra être condamné à une peine moindre que celle attachée à l'espèce du délit dont il se sera rendu coupable.

In every case specified in sections 202 to 207, and where the author is known, he shall not be condemned to a punishment less than that provided for the description of the offence of which he is guilty.

### **209 Penalty for assisting illegal publication**

Tout individu qui, sans y avoir été autorisé par la police, fera le métier de crier ou afficheur d'écrits, imprimés, dessins ou gravures, même munis des noms d'auteur, imprimeur, dessinateur ou graveur, sera puni d'un emprisonnement qui ne pourra excéder 2 mois.

Any person, who, without having been thereunto authorised by the Police, acts as crier or sticker of any printed writing, drawing or engraving, although bearing the name of the author, printer, drawer or engraver thereof, shall be punished by



imprisonment for a term not exceeding 2 months.

**210-213 –**

**214 Binding person to engage in breach of public order**

(1) Toute personne qui, de quelque manière ou dans quelque forme que ce soit, fera prêter aucun serment, ou consentir aucun engagement ayant pour objet ou pour effect de lier quelqu'un à s'engager dans aucun acte ayant un but séditionnel, ou tendant à troubler la paix publique, ou à faire partie d'aucune association ou réunion formée à cet effet, ou à obéir aux ordres ou commandement de tout corps ou comité non légalement constitué, ou de tout chef, commandant ou toute autre personne n'ayant aucune autorité légale, ou à ne faire connaître ou dénoncer aucune des personnes faisant partie des dites sociétés, et à ne déposer ni témoigner contre elles, ni à révéler ou divulguer aucun des actes y relatifs,

(1) Any person who, in any manner and under any form, administers any oath, or causes the consent to any engagement, having for object or consequence to bind any individual to engage in an act having a seditious purpose, or tending to disturb the public peace, or to form part of any association or meeting instituted for such purpose, or to obey the orders or command of any body or committee not legally constituted, or of any chief, commander or other person having no legal authority, or not to make known or denounce any of the persons forming part of such society, or not to give information or evidence against such persons, nor to disclose or divulge any of the acts connected therewith,

shall be punished by penal servitude

(2) La même peine sera appliquée à tous ceux qui auront aidé, assisté ou concouru à la prestation du serment ou à l'engagement ci-dessus mentionné.

(2) The like punishment shall be applied to all those who have aided, assisted, or abetted in administering the oath or engagement.

**TITLE II – OFFENCES AGAINST INDIVIDUALS**

**CHAPTER I – OFFENCES AGAINST THE PERSON**

**215 Interpretation of “manslaughter”**

L'homicide commis volontairement est qualifiée meurtre.

Homicide committed wilfully is manslaughter.

**216 Interpretation of “murder”**

Tout meurtre commis avec préméditation ou de guet-apens, est qualifié assassinat.

Manslaughter committed with premeditation or by lying in wait is murder.

**217 Interpretation of “premeditation”**

La préméditation consiste dans le dessin formé d’attenter à la personne d’un individu déterminé, ou même de celui qui sera trouvé ou rencontré, quand même ce dessein serait dépendant de quelque circonstance ou de quelque condition.

Premeditation consists in the determined intention of attempting the person of any particular individual, or of any individual who may be found or met with, even though such intention should depend upon some circumstance or condition.

**218 Interpretation of “lying in wait”**

Le guet-apens consiste à attendre plus ou moins de temps dans un ou divers lieux, un individu, soit pour lui donner la mort, soit pour exercer sur lui des actes de violence.

Lying in wait consists in waiting for a greater or lesser time, in one or more places, for an individual, whether for the purpose of inflicting death or for committing any act of violence upon such individual.

**219** –

**220 Murder of newly born child and infanticide**

(1) Any person who by a wilful act of commission or omission, done with intent to cause the death of a newly born child, causes the death of such newly born child, shall be guilty of the crime of murder of a newly born child.

(2) Where such crime is committed by a woman in respect of her newly born child but at the time of the act of commission or omission she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder of a newly born child, be guilty of the crime of infanticide, and may be dealt with and punished as if guilty of infanticide.

(3) Where on the trial of a woman for the murder of her newly born child, the jury is of the opinion that she by any wilful act of commission or omission caused its death, but that at the time of such act of commission or omission she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the jury may, notwithstanding that the circumstances were such that but for this section it might have returned a verdict of murder of a newly born child, return a verdict of infanticide instead.

(4) A jury on a criminal information for the murder of a newly born child or for infanticide may return a verdict of manslaughter or a verdict of involuntary homicide, or a verdict of guilty but insane or a verdict of concealment of birth under section 70 of the Civil Status Act.

[Amended 23/81]

**221** –

**222 Penalty for murder and infanticide**

- (1) Any person who is convicted of –
  - (a) murder or murder of a newly born child, shall be sentenced to penal servitude for 45 years;
  - (b) attempt at murder or attempt at murder of a newly born child, shall be liable to penal servitude for 45 years.
- (2) Any woman guilty of infanticide shall be liable to penal servitude for life or for a term not exceeding 15 years.
- (3) Any woman guilty of attempt at infanticide shall be liable to penal servitude.  
[R 2/83; Amended 31/95]

**223 Penalty for manslaughter**

- (1) Any person guilty of manslaughter preceding, accompanying or following another crime shall be liable to penal servitude for life.
- (2) Any person who attempts to commit manslaughter in the cases mentioned in this section shall be liable to penal servitude.
- (3) In every other case, a person guilty of manslaughter shall be liable to penal servitude for life or for a term not exceeding 20 years.  
[R 2/83]

**224 Demanding by written threat of violence**

Any person, who by any writing, whether anonymous or signed, threatens any individual with murder, poisoning or any other attempt against the person of such individual punishable by penal servitude, shall be punished by penal servitude, where the threat is accompanied by an order to deposit a sum of money in a certain place, or to fulfil any other condition.  
[Amended 31/95]

**225 Threatening in writing**

Si cette menace n'a été accompagnée d'aucun ordre ou condition, la peine sera de l'emprisonnement.

Where the threat is not accompanied by any order or condition, the punishment shall be imprisonment.

**226 Threatening verbally**

Si la menace faite avec ordre ou sous condition a été verbale, le coupable sera puni d'un emprisonnement qui n'excédera pas un an.

Where the threat, so accompanied by an order or condition, has been made verbally, the offender shall be punished by imprisonment for a term not exceeding one year.

## **227 Demanding by threat of false accusation**

Any person who falsely charges or threatens to charge any person with having committed an offence, with intent to extort or obtain by intimidation from such person, money or other property, shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

[R 2/83]

## **228 Assault with aggravating circumstance**

(1) Tout individu qui, volontairement aura fait des blessures, porté des coups, ou commis toute autre violence ou voie de fait, s'il est résulté de ces actes de violence une maladie ou incapacité de travail personnel pendant plus de 20 jours, sera puni de l'emprisonnement et d'une amende n'excédant pas 10,000 roupies.

(2) Lorsque par l'effet des violences exprimées à l'alinéa (1), la personne maltraitée aura eu un bras, une jambe, une cuisse cassée, aura perdu la vue, ou même l'usage d'un oeil, le coupable sera puni de servitude pénale n'excédant pas 10 ans et d'une amende n'excédant pas 10,000 roupies.

(3) Si les coups portés ou les blessures faites volontairement mais sans l'intention de donner la mort, l'ont pourtant occasionnée, le coupable sera puni de servitude pénale n'excédant pas 10 ans.

(4) Si le crime prévu à l'alinéa (3) aura précédé, accompagné ou suivi un autre crime, le coupable sera puni de servitude pénale.

(5) (a) Notwithstanding section 152 of the Criminal Procedure Act, where it is averred that the victim of any offence specified in subsections (1) to (4) is a minor under the age of 16 or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[R 2/83; Amended 29/90; 13/98; 5/99]

## **228A Assault with corrosive substance**

(1) Any person who, by means of an acid or other corrosive substance, wilfully inflicts any wound or blow on any other person, shall be punished by imprisonment.

(2) Where as a result of an act of violence specified in subsection (1), the person injured -  
(a) suffers sickness or incapacity for personal labour for more than 20 days; or  
(b) loses the use of one eye or both eyes,  
the offender shall be punished by penal servitude.

(1) Any person who wilfully inflicts any wound or blow, or is the author of any other violence or assault shall if such act of violence has caused any sickness or incapacity for personal labour for more than 20 days, be punished by imprisonment and a fine not exceeding 10,000 rupees.

(2) Where as a result of any act of violence specified in subsection (1) the person injured or assaulted has had an arm, a leg or a thigh broken, or has lost the use of both eyes or of one eye only, the offender shall be punished by penal servitude not exceeding 10 years and to a fine not exceeding 10,000 rupees.

(3) Where the wound or blow inflicted wilfully, but without intention to kill, shall nevertheless cause death, the offender shall be punished by penal servitude for term not exceeding 10 years.

(4) Where the crime specified in subsection (3) has preceded, accompanied or followed another crime, the offender shall be punished by penal servitude.

(3) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under this section.

[Added 25/01]

### **229 Assault with premeditation**

Where there has been premeditation or lying in wait, the punishment, if death has ensued, shall be penal servitude, and if death has not ensued, shall be penal servitude for a term not exceeding 10 years.

[R 2/83]

### **230 Assault**

(1) Lorsque les blessures, les coups ou autres violences ou violes de fait n'auront occasionné aucune maladie ni incapacité de travail personnel de l'espèce mentionnée dans la section 228 le coupable sera punie d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excédera pas 5,000 roupies.

(2) S'il y a eu préméditation ou gue-tapens le coupable sera puni de l'emprisonnement et d'une amende qui ne pourra excéder 10,000 roupies.

(1) Where such wound, blow or other violence or assault has not caused any sickness or incapacity from personal labour of the description mentioned in section 228 the offender shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 5,000 rupees.

(2) Where there has been premeditation or lying in wait, the offender shall be punished by imprisonment and by a fine not exceeding 10,000 rupees.

(3) (a) Notwithstanding section 152 of the Criminal Procedure Act, where it is averred that the assault is directed against a minor under the age of 14 or a physically or mentally handicapped person, a person charged under subsection (2) shall, on conviction, be liable to imprisonment for a term of not less than 3 months.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 29/90; 13/98; 5/99]

### **231 Assault upon father or mother**

Dans les cas prévus par les sections 228 et 229, si le coupable a commis le crime envers ses père ou mère légitimes, naturels ou adoptifs ou encore envers son époux ou toute autre personne avec qui il vit ou a vécu maritalement ou un enfant mineur de cette personne, il sera puni de la peine la plus sévère prononcée par les sections, selon les distinctions qui y sont établies.

In the cases provided for by sections 228 and 229, where the offender

has committed the crime upon his father and mother, whether legitimate, natural or adoptive or upon his spouse or any person with whom he lives or has lived maritally or any minor child of such person, such offender shall suffer the severest punishment set forth in those sections according to the distinctions therein established.

[Amended 29/90; 13/98]

### **232 Assault by seditious gathering**

Les crimes et les délits prévus dans les sections 215 à 238 s'ils sont commis en réunion séditeuse, avec rébellion ou pillage sont imputables aux chefs, auteurs, instigateurs et provocateurs de ces

réunions, rébellions ou pillages qui seront punis comme coupables de ces crimes ou délits, et condamnés aux même peines que ceux qui les auront personnellement commis.

Where the crimes or misdemeanours specified in sections 215 to 238 are committed by a seditious meeting, with rebellion or plunder, they shall be imputable to the chiefs, authors, instigators, and

### **233 Dealing in offensive weapon**

(1) Tout individu qui aura fabriqué ou débité des stylets, poignards, couteaux en forme de poignards, soit de poche, soit de fusil, des baïonnettes, épées en bâton, bâtons à ferrements autres que ceux qui sont ferrés par le bout, et autres armes offensives cachées ou secrètes, sera puni d'un emprisonnement qui ne pourra excéder 6 mois.

(2) Celui qui sera porteur d'armes spécifiées à l'alinéa (1), sera puni d'une amende qui ne pourra excéder 2,000 roupies.

(3) Dans l'un et l'autre cas, les armes seront confisquées.

(4) Les peines prévues aux alinéas (1) et (2) sont sans préjudice de plus forte peine, s'il y échet, en cas de complicité de crime.

[Amended 29/90]

### **233A Sale or offer for sale of offensive instrument in the open**

(1) Any person who sells, exposes, keeps or offers for sale on the street, in a fair, or in any other open-air space, an axe, knife, cutlass, hook of any type, or any instrument or tool with a blade or pointed edge, shall commit an offence.

(2) The offender shall be liable, on conviction, to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding one year.

(3) Where any person is convicted of an offence under subsection (1) the court may make an order for -

- (a) the forfeiture and disposal of any article in respect of which the offence was committed;
- (b) the cancellation of the licence or permit held by the offender.

[Added 30/01]

### **233B Sale or offer for sale of offensive instrument to person under 12**

inciters of such meeting, rebellion or plunder, who shall be punished as guilty of such crimes or misdemeanours, and be condemned to the like punishments as those who have personally committed them.

(1) Any person who manufactures or sells any stiletto, dagger, knife in the shape of a dagger, whether for the pocket or for a fowling piece or any bayonet, swordstick, loaded stick, other than those ironed at the end, or any other offensive weapon hidden or secreted, shall be punished by imprisonment for a term not exceeding 6 months.

(2) The bearer of any arms specified in subsection (1), may be punished by a fine not exceeding 2,000 rupees.

(3) In either case, the arms shall be forfeited.

(4) The penalty specified in subsections (1) and (2) is without prejudice to any severer punishment, according to circumstances, in case of complicity in any crime.

(1) Any person who sells or offers for sale an axe, knife, cutlass, hook of any type, or any instrument or tool with a blade or pointed edge, to any person under the age of 12 shall commit an offence.

(2) It shall be a defence to any prosecution under subsection (1) that the person charged had reasonable cause to believe that the child was above the age of 12.

(3) The offender shall be liable, on conviction, to a fine not exceeding 2000 rupees and imprisonment for a term of not exceeding 2 years.

(4) Where any person is convicted of an offence under subsection(1), the court may make an order for the forfeiture and disposal of any article in respect of which the offence was committed.

[Added 30/01]

### **234 Castration**

(1) Any person guilty of the crime of castration, or amputation or destruction of any organ necessary to generation, shall be punished by penal servitude.

(2) Where death has ensued therefrom, the offender shall be punished by penal servitude for life.

[R 2/83]

### **235 Abortion**

(1) Quiconque, par aliments, breuvages, médicaments, violences, ou de toute autre manière, aura procuré l'avortement d'une femme enceinte, ou en aura fourni les moyens, soit qu'elle y ait consenti ou non,

(1) Any person who, by any food, drink, medicine, or by violence, or by any other means, procures the miscarriage of any woman quick with child, or supplies the means of procuring such miscarriage, whether the woman consents or not,

shall be punished by penal servitude for a term not exceeding 10 years.

(2) Les mêmes peines seront prononcées contre la femme qui se sera procuré l'avortement à elle-même, ou qui aura consenti à faire usage des moyens à elle indiqués ou administrés à cet effet, si l'avortement s'en est suivi.

(2) The like punishment shall be pronounced against any woman who procures her own miscarriage, or who consents to make use of the means pointed out or administered to her with that intent, if such miscarriage ensues.

(3) Any physician, surgeon, or pharmacist who points out, facilitates or administers the means of miscarriage shall, where miscarriage has ensued, be liable, on conviction, to penal servitude.

[R 2/83]

### **236 Administering noxious substance**

(1) Any person who administers to or causes to be administered to or taken by any other person any drug, poison or other destructive or noxious thing, so as to endanger the life of such person, or so as to inflict upon such person any grievous bodily harm, or so as to stupefy or overpower such person and facilitate the commission of any offence, shall be liable to penal servitude for a term not exceeding 10 years.

(2) Where death has ensued from the commission of an offence under subsection (1), the offender shall be punished by penal servitude for life or for a term not exceeding 20 years.

(3) Any person who administers to or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve or annoy such person, shall be liable to penal servitude for a term not exceeding 5 years.

[R 2/83]

### **237 Selling adulterated liquor**

(1) Quiconque aura vendu ou débité des boissons falsifiées, contenant des mixtions nuisibles à la santé, sera puni de l'emprisonnement et d'une amende qui n'excèdera pas 10,000 roupies

(1) Any person who sells or retails any adulterated liquor, containing any ingredient hurtful to health, shall be punished by imprisonment and by a fine not exceeding 10,000 rupees.

(2) Seront saisies et confisquées les boissons falsifiées trouvées appartenir au vendeur ou débitant.

(2) The adulterated liquor, found to belong to the vendor or retailer, shall be seized and forfeited.

[Amended 29/90; 5/99]

### **238 Selling unwholesome medicine**

Quiconque aura vendu ou exposé en vente des médicaments gâtés ou nuisibles, sera puni de la peine portée en la section 237.

Any person who sells, or exposes for sale, any damaged or hurtful medicine shall suffer the punishment specified in section 237.

### **239 Involuntary homicide and wounds and blows**

(1) Quiconque, par maladresse, imprudence, inattention, négligence ou inobservation des règlements aura commis involontairement un homicide, ou en aura involontairement été la cause, sera puni de l'emprisonnement et d'une amende qui n'excèdera pas 50,000 roupies.

(1) Any person who, by unskilfulness, imprudence, want of caution, negligence or non-observance of regulations, involuntarily commits homicide, or is the unwilling cause of homicide shall be punished by imprisonment and by a fine not exceeding 50,000 rupees.

(2) S'il n'est résulté que des blessures ou coups, la peine sera d'une amende qui ne pourra excéder 10,000 roupies, ou d'un emprisonnement qui n'excèdera pas 2 mois.

(2) S'il n'est résulté que des blessures ou coups, la peine sera d'une amende qui ne pourra excéder 10,000 roupies, ou d'un emprisonnement qui n'excèdera pas 2 mois.

[Amended 29/90; 5/99]

### **240 Manslaughter and wounds and blows under provocation**

Le meurtre ainsi que les blessures et les coups sont excusables, autant qu'il est déterminé ci-après, s'ils ont été provoqués par des coups ou violences graves envers les personnes.

Manslaughter and wounds and blows, are excusable, as far as it is provided for hereinafter, if they have been provoked by severe blows or violence towards individuals.



**241 Manslaughter and wounds and blows in defence of property by day**

(1) Les crimes et délits mentionnés à la section 240 sont également excusables, s'ils ont été commis en repoussant pendant le jour, l'escalade ou l'effraction des clôtures, murs ou entrée d'une maison ou d'un appartement habité, ou de leurs dépendances.

(2) Si le fait est arrivé pendant la nuit, ce cas est réglé par la section 247.

(1) The crimes and misdemeanours mentioned in section 240, are likewise excusable, if they have been committed in repelling, during the day, the scaling or breaking down of any enclosure, wall, or entrance of any house or inhabited apartment, or of the dependencies thereof.

(2) Where the act takes place during the night, the matter is governed by section 247.

**242 Manslaughter in case of adultery**

Le meurtre commis par l'époux sur son conjoint, ainsi que sur le complice, à l'instant où il les surprend en flagrant délit d'adultère, est excusable.

Manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery is excusable.

**243 Castration under provocation**

Le crime de castration, s'il a été immédiatement provoqué par un outrage violent à la pudeur, sera considéré comme meurtre ou blessures excusables.

The crime of castration, where it is provoked by any immediate violent outrage on chastity, shall be deemed to be an excusable crime or wound.

**244 Penalty in case of excusable offence**

Lorsque le fait d'excuse sera prouvé, s'il s'agit d'un fait qualifié crime, la peine sera réduite à l'emprisonnement, s'il s'agit d'un délit, la peine sera réduite à un emprisonnement qui n'excèdera pas 6 mois.

Where the fact of excuse is proved, if it relates to an offence deemed to be a crime, the punishment shall be reduced to imprisonment, and, if it relates to a misdemeanour, the punishment shall be reduced to imprisonment for a term not exceeding 6 months.

**245 Homicide and wounds and blows under lawful authority**

Il n'y a ni crime ni délit, lorsque l'homicide, les blessures et les coups étaient ordonnés par la loi et commandés par l'autorité légitime.

There is neither crime nor misdemeanour, where homicide, wounds or blows are ordered by law, and commanded by lawful authority.

**246 Homicide and wounds and blows in self defence**

Il n'y a ni crime ni délit, lorsque l'homicide, les blessures et les coups étaient commandés par la nécessité actuelle de la légitime défense de soi-même ou d'autrui.

There is neither crime nor misdemeanour, where homicide, wounds or blows are commanded by an actual necessity of the lawful defence of oneself or of another person.

**247 Interpretation of "self defence"**

Sont compris dans les cas de nécessité actuelle de défense, les cas suivants –

(a) si l'homicide a été commis, si les blessures ont été faites, ou si les coups ont été portés en repoussant, pendant la nuit, l'escalade ou l'effraction des clôtures, murs ou entrée d'une maison ou d'un appartement habité ou de leurs dépendances;

(b) si le fait a eu lieu en se défendant contre les auteurs de vols ou de pillage exécutés avec violence.

Actual necessity of defence includes the cases where –

(a) homicide has been committed, or wounds made, or blows inflicted in repelling during the night, the scaling or breaking of the enclosure, wall or entrance of a house, or inhabited apartment, or of the dependencies thereof;

(b) the act has taken place in defending oneself against the author of any robbery or plunder executed with violence.

#### **248 Indecent act in public**

Any person who commits any grossly indecent act in public 'outrage public à la pudeur' shall be liable to imprisonment for a term not exceeding 12 months and to a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

#### **249 Rape, attempt upon chastity and illegal sexual intercourse**

(1) Any person who is guilty of the crime of rape, shall be liable to penal servitude for a term which shall not be less than 5 years.

[Amended 30/03]

(1A) Notwithstanding any other enactment, where a person is convicted of an offence under subsection (1), the Intermediate Court shall have -

(a) jurisdiction to inflict penal servitude for a term not exceeding 20 years;

(b) power to order sentences of penal servitude to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 20 years.

[Amended 30/03]

(1B) Notwithstanding any other enactment, prosecution for the offence of rape may, at the sole discretion of the Director of Public Prosecutions, take place before a Judge without a jury where it is averred that the offence of rape was committed by 2 or more individuals.

[Amended 30/03]

(1C) Sections 151 and 197 of the Criminal Procedure Act, and the Probation of Offenders Act, shall not apply to a conviction for the offence of rape.

[Amended 30/03]

(2) Any person who commits an indecent act 'attentat à la pudeur' by force or without consent upon a person of either sex, shall be liable to penal servitude for a term not exceeding 5 years.

(3) Any person who commits an indecent act 'attentat à la pudeur', even without violence and with consent, upon a child of either sex under the age of 12 shall be liable to penal servitude for a term not exceeding 5 years.

(4) Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall be liable to penal servitude for a term not exceeding 10 years.

(5) (a) Any person who has sexual intercourse with a specified person, even with consent, shall commit an offence and shall on conviction, be liable to penal servitude.

(b) Any person who commits an indecent act 'attentat à la pudeur', even without violence and with consent, upon a specified person shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding eight years.

(c) In this subsection, "specified person"—

(i) means any person who, in relation to the person charged, comes within the prohibited degrees set out in articles 151, 152 and 153 of the Code Napoléon;

(ii) includes –

(A) a stepchild or an adopted child, of whatever age, of the person charged;

(B) a child of whatever age whose custody or guardianship has been entrusted to the person charged by virtue of any other enactment or of an order of a Court;

(C) a child of whatever age or a mentally handicapped person, other than the spouse of, but living under the same roof as, the person charged or who is the child of the partner of the person charged.

(6) No prosecution shall be instituted under this section except on an information filed with the consent of the Director of Public Prosecutions.

(7) It shall be a sufficient defence to any prosecution under subsection (3) or (4) that the person charged had reasonable cause to believe that the child was above the age of 12 or 16, as the case may be.

[Amended 20/90; 26/91; 13/98]

## **250 Sodomy and bestiality**

(1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the sodomy is committed on a minor or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[R 2/83; Amended 13/98]

## 251 Debauching youth

(1) Quiconque aura attenté aux mœurs, en excitant, favorisant ou facilitant habituellement la débauche ou la corruption de la jeunesse de l'un ou de l'autre sexe au-dessous de l'âge de 18 ans, sera puni d'un emprisonnement qui ne pourra être inférieur à un an mais qui ne pourra excéder 5 ans.

(2) Si la prostitution ou la corruption a été excitée, favorisée ou facilitée par leurs pères, mères, tuteurs ou autres personnes chargées de leur surveillance, la peine sera l'emprisonnement, qui ne pourra être inférieur à 2 ans mais qui n'excédera pas 8 ans.

(3) (a) Notwithstanding section 152 of the Criminal Procedure Act, any person charged under subsection (1) or (2) shall be liable to the minimum penalties provided in that subsection.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 29/90; 13/98]

## 252 Interdiction from guardianship

(1) Les coupables du délit mentionné à la section 251 seront interdits de toute tutelle et curatelle –

(a) pendant un temps qui ne pourra excéder 5 ans dans le cas de ceux auxquels s'applique l'alinéa (1) de la section 251;

(b) pendant un temps qui ne pourra excéder 20 ans dans le cas de ceux auxquels s'applique l'alinéa (2) de la section 251.

(2) Where such offence has been committed by the father or mother, the offender shall also be deprived of the rights and advantages which are granted to him or her, upon the person and property of the child, by articles 371 to 387 of the Code Napoléon.

## 253 Procuring, enticing and exploiting prostitute

(1) Any person who, to gratify the passions of another and for gain –

(1) Any person who offends against morality, by habitually exciting, encouraging, or facilitating the debauchery or corruption of youth of either sex under the age of 18 shall be punished by imprisonment for a term of not less than one year nor more than 5 years.

(2) Where such prostitution or corruption has been excited, encouraged or facilitated by the father, mother, guardian or other person entrusted with the care of youth so debauched, the punishment shall be imprisonment of not less than 2 years nor more than 8 years.

(1) Any person convicted of an offence specified in section 251 shall be interdicted from any guardianship and curatorship –

(a) for a period not exceeding 5 years in the case of a person specified in section 251(1);

(b) for a period not exceeding 20 years in the case of a person specified in section 251(2).

(2) Si le délit a été commis par le père ou la mère, le coupable sera de plus privé des droits et avantages à lui accordés sur la personne et les biens de l'enfant par les articles 371 à 387 du Code Napoléon.

- (a) procures, entices or leads away, for purposes of prostitution, another person;
- (b) exploits, or is an accomplice in, the prostitution of another person, even with the consent of that person;
- (c) draws a benefit from the prostitution of some other person, shares the earnings of, or receives subsidies from, another person who habitually indulges in prostitution,

shall commit an offence.

(2) Any person who commits, or is an accomplice in the commission of, any of the offences mentioned in subsection (1) shall commit an offence regardless of motives or gain where –

- (a) the person procured, enticed, led away, exploited, in relation to whose prostitution a benefit is drawn, whose earnings are shared or from whom subsidies are received is less than 18 years of age at the time of the offence;
- (b) the person is procured, enticed, led away or exploited for the purpose of being sent abroad;
- (c) the person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence or any other means of duress.

(3) No person shall be convicted of an offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused.

(4) Any person guilty of an offence under this section shall be liable on conviction to imprisonment for a term which, notwithstanding section 152 of the Criminal Procedure Act, shall be not less than 2 years nor more than 10 years together with a fine not exceeding 100,000 rupees.

(5) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under this section.

[Amended 29/90; 13/98]

## **254 Sexual harassment**

(1) Toute personne qui, en abusant de l'autorité que lui confère ses fonctions, harcèle une autre personne en usant d'ordres, de menaces ou de contraintes, dans le but d'obtenir des faveurs de nature sexuelle, sera punie d'un emprisonnement qui n'excèdera pas 2 ans et d'une amende qui n'excèdera pas 100,000 roupies.

(1) Any person who, by abuse of the authority conferred upon him by his functions, harasses another person by means of orders, threats or constraints in order to obtain favours of a sexual nature, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 100,000 rupees.

(2) (a) Notwithstanding section 152 of the Criminal Procedure Act, where it is averred that the victim of the sexual harassment is a minor or a mentally handicapped person, the person charged under subsection (1) shall, on conviction, be liable to imprisonment for a term not less than one year and to a fine not exceeding 100,000 rupees.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Added 13/98]

**255-256 –**

## **257 Bigamy**

(1) Quiconque étant engagé dans les liens du mariage, en aura contracté un autre avant la dissolution du précédent,

(1) Any person who, being married, marries another person before the dissolution of the first marriage,

shall be punished by penal servitude for a term not exceeding 10 years.

(2) L'officier public qui aura prêté son ministère à ce mariage, connaissant l'existence du précédent, sera condamné à la même peine

(2) Any public officer who lends his aid and assistance for such subsequent marriage, knowing the existence of the first, shall suffer the like punishment.

(3) Pour l'application des dispositions de la présente section, le terme 'mariage' s'entend uniquement du mariage civil prévu dans la section 24 du Civil Status Act ou d'un mariage religieux ayant des effets civils conformément aux sections 27 et 28 du Civil Status Act.

(3) In this section, "marriage" means a civil marriage under section 24 of the Civil Status Act and a religious marriage having civil effect under sections 27 and 28 of the Civil Status Act.

[R 1/83; R2/83; Amended 23/81]

## **258 Unlawful arrest, detention and sequestration**

(1) Ceux qui sans ordre des autorités constituées, et hors les cas où la loi ordonne de saisir les prévenus, auront arrêté, détenu ou séquestré des personnes quelconques,

(1) Any person who, without any order from the constituted authorities, and except in cases where the law directs the arrest of accused parties, detains, or sequesters any person,

shall be punished by penal servitude for a term not exceeding 10 years and by a fine not exceeding 10,000 rupees.

(2) Quiconque aura prêté sciemment un lieu pour exécuter la détention ou séquestration, subira les mêmes peines.

(2) Any person who knowingly lends a place for effecting such detention or sequestration, shall suffer the like punishment.

(3) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the person sequestered is a minor or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[R 2/83; Amended 29/90; Added 13/98; 5/99]

## **259 Penalty for unlawful arrest in certain cases**

Dans chacun des cas suivants –

(a) si l'arrestation a été exécutée avec faux

- costume, sous un faux nom ou sous un faux ordre de l'autorité publique;
- (b) si l'individu arrêté, détenu, ou séquestré, a été menacé de la mort;
- (c) s'il a été soumis à des tortures corporelles, les coupables

- (a) where the arrest has been executed in false dress or a forged name, or under a forged order from the public authority;
- (b) where the individual arrested, detained or sequestered, has been threatened with death; or
- (c) where such individual has been subjected to any corporal torture, the offenders

In the following cases –

shall be punished by penal servitude for a term not exceeding 10 years.

### **260 Family abandonment**

(1) Tout père ou mère de famille qui abandonne sans motif grave, pendant plus de 2 mois, la résidence familiale et se soustrait à tout ou partie des obligations d'ordre moral or d'ordre matériel résultant de l'autorité parentale commet une offense.

(1) Any father or mother who, without any serious reason, abandons for more than 2 months the family residence and eludes all or part of his or her moral or material obligations resulting from parental authority shall commit an offence.

(2) Le mari qui, sans motif grave, abandonne volontairement pendant plus de 2 mois sa femme la sachant enceinte commet une offense.

(2) Any husband who without serious reason, voluntarily abandons for more than 2 months his wife whom he knows to be pregnant shall commit an offence.

(3) Le père ou la mère qui compromet gravement par de mauvais traitements, par des exemples pernicious d'ivrognerie habituelle ou d'inconduite notoire, par un défaut de soins ou par un manque de direction soit la santé, soit la sécurité, soit la moralité de ses enfants ou d'un de ses enfants mineurs commet une offense.

(3) Any father or mother who, through ill-treatment, pernicious examples of habitual drunkenness or notorious ill-conduct, lack of care or direction, seriously endangers the health, security or morality of any of his minor children shall commit an offence.

(4) A partner of any father or mother who, through any means specified in subsection (3), seriously endangers the health, security or morality of any of his partner's minor children shall commit an offence.

(5) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 10,000 rupees.

[Added 13/98]

## **261 Failure to pay alimony**

(1) Toute personne condamnée à verser des aliments à son conjoint ou à ses enfants, qui sera volontairement démeurée 2 mois sans verser entièrement à son conjoint ou à ses enfants les dits aliments, commettra une offense et sera punie d'une amende n'excédant pas 5,000 roupies et d'un emprisonnement n'excédant pas un an.

(1) Any person who, having been judicially ordered to pay alimony to his spouse or children, voluntarily fails, during 2 months, to pay the full amount of alimony so ordered to his spouse or children, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any default in the payment of alimony shall, until the contrary is proved, be presumed to be voluntary.

(3) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under subsection (1).

(4) A prosecution for an offence under this section shall take place in the district in which the person entitled to the payment of the alimony is ordinarily resident.

[Added 13/98]

## **262 Change of domicile**

Toute personne, jouissant de la garde d'un mineur, qui néglige de notifier tout changement de son domicile ou tout changement de la résidence du mineur à ceux qui peuvent excercer à l'égard du mineur un droit de visite ou d'hébergement en vertu d'un jugement commet une offense et sera punie d'un emprisonnement n'excédant pas 6 mois et d'une amende qui n'excédera pas 5,000 roupies.

[Added 13/98]

Any person who, having the custody of a minor, fails to notify to any person who, by virtue of a judgment, has a right of visit or lodging in respect of the said minor, any change of his domicile or of the residence of the minor, shall commit an offence and shall, on conviction be liable to imprisonment for a term not exceeding 6 months and to a fine not exceeding 5,000 rupees.

**262A** - [Added 13/98; Repealed 34/05]

**263** - [Amended 29/90; 13/98; Repealed 34/05]

**264** - [R 2/83; Amended 29/90; 13/98; Repealed 34/05]

**265** - [Repealed 34/05]

**266** - [Amended 29/90; 5/99; Repealed 34/05]

**267** - [Amended 13/98; Repealed 34/05]

**268** - [R 2/83; Amended 13/98; Repealed 34/05]

**269** - [R 2/83; Repealed 34/05]

**270** - [R 2/83; Repealed 34/05]

**271** - [Repealed 34/05]

## **272 Burying corpse without lawful authority**

Ceux qui, sans l'autorisation préalable de l'officier public, dans le cas où elle est prescrite, auront fait inhumer un individu décédé, seront punis de l'emprisonnement,

ou d'une amende qui n'excédera pas 10,000 roupies, sans préjudice de la poursuite des crimes dont les auteurs de ce délit



pourraient être prévenus dans cette circonstance.

Any person who, without having obtained the authorisation of the public officer, where such authorisation is required, causes the body of any deceased person to  
[Amended 29/90; 5/99]

### **273 Concealing corpse**

Quiconque aura recélé ou caché le cadavre d'une personne homicide ou morte des suites de coups ou blessures, sera puni de l'emprisonnement et d'une amende qui n'excèdera pas 10,000 roupies, sans préjudice de peines plus graves, s'il a participé au crime.  
[Amended 29/90; 5/99]

### **274 Declaration in case of sudden or violent death**

(1) Dans tous les cas de mort subite ou violente, les personnes qui feront la déclaration du décès, ainsi que les médecins ou chirurgiens qui en auront connaissance, seront tenus de déclarer cette circonstance à l'officier de l'état civil.

(2) La peine en cas de non-déclaration sera contre chacune des personnes ci-dessus désignées une amende qui n'excèdera pas 5,000 roupies.  
[Amended 29/90; 5/99]

### **275 Violating tomb**

Sera puni d'un emprisonnement qui ne pourra excéder un an et d'une amende qui n'excèdera pas 5,000 roupies, quiconque se sera rendu coupable de violation de tombeaux ou de sépulture, sans préjudice des peines contre les crimes ou les délits qui seraient joints à celui-ci.  
[Amended 29/90; 5/99]

### **276 Giving false evidence in case of crime**

(1) Quiconque sera coupable de faux témoignage en matière criminelle, soit contre l'accusé, soit en sa faveur,

be buried, shall be punished by imprisonment, or by a fine not exceeding 10,000 rupees, without prejudice to the prosecution for any crime which the parties guilty of such misdemeanour might be accused of, in connection therewith.

Any person who conceals or hides the body of a person killed, or having died from the effects of any blow or wound, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees, without prejudice to any severer punishment where the offender participated in the crime.

(1) In every case of sudden or violent death, the persons declaring such death, as well as any medical practitioner or surgeon, who is aware of that fact shall be bound to make a declaration of that fact to the civil status officer.

(2) The punishment where no such declaration is made shall be a fine not exceeding 5,000 rupees against each of the persons specified in subsection (1).

Any person who is convicted of violation of a tomb or grave, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 5,000 rupees, without prejudice to the punishment for any crime or misdemeanour which may have been committed at the same time.

(1) Any person who is convicted of giving false evidence in the prosecution of a crime, either for or against the prisoner,

shall be punished by penal servitude for a term not exceeding 10 years  
[R 2/83]

### **277 Giving false evidence in case of misdemeanour**

Quiconque sera coupable de faux témoignage en matière correctionnelle ou de police, soit contre le prévenu, soit en sa faveur,

Any person who is convicted of giving false evidence in the prosecution of an offence, other than a crime, either for or against the prisoner,

shall be punished by penal servitude for a term not exceeding 10 years and to a fine not exceeding 10,000 rupees.

[R 2/83; Amended 29/90; 5/99]

### **278 Giving false evidence in civil matter**

Le coupable de faux témoignage en matière civile,

Any person convicted of giving false evidence in a civil suit,

shall be punished by penal servitude for a term not exceeding 10 years and to a fine not exceeding 10,000 rupees.

[R 2/83; Amended 29/90; 5/99]

### **279 Giving false evidence for reward**

(1) Le faux témoin en matière criminelle, correctionnelle, de police ou civile, qui aura reçu de l'argent, une récompense quelconque ou des promesses,

(1) Any false witness in a criminal or civil suit who received any money, reward or promise,

shall be punished by penal servitude and to a fine not exceeding 10,000 rupees

[Amended 29/90; 5/99]

### **280 Subornation of perjury**

Le coupable de subornation de témoin sera condamné à la même peine que le témoin.

Any person convicted of subornation of perjury shall be condemned to the same punishment as the perjured witness.

### **280A\*Interference with witnesses and potential witnesses**

\* Ed. This section has been added by the Public Security Act (1/00). It is not reproduced as this Act is not in force.

### **281 Giving false evidence on decisory oath**

Celui à qui le serment aura été déféré ou référé en matière civile, et qui aura fait un faux serment, sera puni de servitude pénale qui n'excèdera pas 10 ans et d'une amende qui n'excèdera pas 20,000 roupies.

Any party in a civil suit who has been judicially put upon his oath, and makes a false declaration, shall be punished by penal servitude for a term not exceeding 10 years and by a fine not exceeding 20,000 rupees.

[R 2/83; Amended 5/99]

### **282 Stirring up racial hatred**

(1) Any person who, with intent to stir up contempt or hatred against any section or part of any section of the public distinguished by race, caste, place of origin, political opinions, colour or creed –

(a) publishes or distributes any writing which is threatening, abusive or insulting;  
(b) uses in any public place or at any public meeting or procession any gesture or word which is threatening, abusive or insulting; or  
(c) broadcasts any matter which is threatening, abusive or insulting,  
shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and penal servitude for a term not exceeding 10 years.

(2) Any person who prints, publishes, posts up, distributes, exhibits or circulates any writing, gesture, word or matter mentioned in subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) Any writing, in respect of, or in connection with, which an offence has been committed under this section shall be forfeited.

(4) In this section –

“broadcast” means using radio-communication whether by sound or vision, for reception by members of the public;

“writing” means –

- (a) any newspaper, pamphlet or other printed matter; or
- (b) any writing, drawing, engraving, picture, illustration, emblem or image, sold, or put up for sale or distributed to the public or exhibited at any public place or meeting or procession or any poster or writing exposed to the public view.

[Added 30/91]

### **283 Sedition**

(1) Any person who, by any means specified in section 206 –

- (a) holds or brings into hatred or contempt, or excites disaffection towards, the Government or the administration of justice;
- (b) raises discontent or disaffection among the citizens of Mauritius or promotes feelings or illwill and hostility between different classes of such citizens,

shall commit the offence of sedition and shall, on conviction, be liable to imprisonment for a term not exceeding one year and a fine not exceeding 20,000 rupees.

(2) A person shall not commit an offence under this section or section 284 where the writing or words used show that such person intended merely –

- (a) to express disapprobation of the measures of the Government with a view to obtain their alteration by lawful means; or
- (b) to express disapprobation of the measures of the administration or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection.

[Amended 42/93; 5/99]

### **284 Inciting to disobedience or resistance to law**

Any person who, by any of the means specified in section 206 instigates to disobedience or resistance to the laws, or to the authorities entrusted with their execution, shall be liable to imprisonment for a term not exceeding one year, and a fine not exceeding 2,000 rupees.

[Amended 29/90]

### **285 Interpretation of “publication”**

In sections 285 to 287A –

“periodical publication” includes every publication issued periodically, or in parts or numbers at intervals, whether regular or irregular;

“publication” includes all written or printed matter and anything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of or extract from any publication.

## **286 Importing seditious publication**

(1) Where the President is of opinion that any publication is seditious, he may, if he thinks fit, by Proclamation prohibit the importation into Mauritius of that publication and also, in the case of a periodical publication, of any past or future issue of that publication.

(2) Any person who imports, sells, distributes, posts, prints, publishes, copies, reproduces, or has in his possession, power or control, any publication of which the importation is for the time being prohibited by Proclamation, shall commit an offence, and the publication shall be forfeited.

(3) Any person to whom a publication of which the importation is for the time being prohibited by Proclamation is sent without his knowledge or privity or in execution of an order given before the prohibition on its importation came into effect, or who has such a publication in his possession, power, or control, at the time when the prohibition or its importation comes into effect shall forthwith deliver it to the officer in charge of the nearest police station, and, if he fails to do so, he shall commit an offence.

(4) Any person who complies with subsection (3) or is convicted of a breach of its provisions shall not be fined or imprisoned for having imported the same publication or for having it in his possession, power, or control.

(5) The Postmaster-General or any person authorised by him who suspects that any postal packet contains a publication of which the importation is for the time being prohibited shall send the packet to the Comptroller of Customs.

[Amended 48/91]

## **287 Suspending publication of newspaper containing seditious publication**

(1) Where any person is convicted under this Code of sedition in any newspaper, the Court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to the following matters –

- (a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of that newspaper; and
- (b) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the Police and detained by them for the period aforesaid.

(2) Where any person contravenes an order made under this section, he shall commit an offence.

## **287A Prohibiting circulation of seditious publication**

(1) Where, on the application of the Director of Public Prosecutions, it is shown to the satisfaction of a Judge or a Magistrate that the issue or circulation of a seditious publication is or, if commenced or continued, would be likely to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes of the community, the Judge or Magistrate shall make an order (in this section called a prohibition order) prohibiting the issue and circulation of that publication (in this section called a prohibited publication) and requiring every person having any copy of the prohibited publication in his possession, power, or control, forthwith to deliver every such copy into the custody of the Police.

(2) An order under this section may be made in Chambers ex parte on the application of the Director of Public Prosecutions.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any police officer shall forthwith deliver to that officer every prohibited publication in his possession, power, or control, and, if he fails to do so, he shall commit an offence.

(5) Every person who knows that a prohibited publication is in his possession, power, or control, shall forthwith deliver it to the person in charge of the nearest police station, and if he fails to do so, he shall commit an offence.

(6) The Judge or Magistrate may, if he thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorising the Commissioner of Police or his assistants to break, enter, and search, either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle, or thing in such building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

(7) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(8) (a) The owner of any prohibited publication delivered or seized under this Code may, within 14 days after the delivery or seizure, apply to the Judge or Magistrate for the discharge of the prohibition order, and where on the hearing of the petition, it is decided that the prohibition order ought not to have been made, the Judge or Magistrate shall discharge the order and shall order the prohibited publication delivered by or seized from the owner to be returned to him.

(b) Any person dissatisfied with any order made under paragraph (a) shall have a right of appeal to the Supreme Court.

(9) Every prohibited publication delivered or seized under this section with respect to which an application is not made within the time aforesaid or which is not ordered to be returned to the owner shall be forfeited and dealt with in such manner as the President may direct.

[Amended 48/91]

#### **287B Penalty for seditious publication**

Every person who commits an offence against section 286, 287 and 287A –

(a) shall not be prosecuted except upon an information by the Director of Public Prosecutions;

(b) shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

[Amended 5/99]

#### **288 Interpretation of “defamation”**

(1) Any imputation or allegation of a fact prejudicial to the honour, character or reputation of the person to whom such fact is imputed or alleged is a defamation.

(2) Any imputation or allegation concerning the honour, character or reputation of a deceased person is a defamation where it is calculated to throw discredit on or be hurtful to the feelings of the family or relatives of the deceased.

(3) Any person who, by any of the means specified in section 206, is guilty of defamation shall be liable to imprisonment for a term not exceeding one year and a fine not exceeding 5,000 rupees.

(4) No offence is committed under this section where the writing or words –

(a) impute or allege anything which is true concerning any person, where the publisher can show that it was for the public good that the imputation or allegation should be published;

(b) are a fair and bona fide comment or criticism of the conduct of a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further;

(c) are a fair and bona fide comment or criticism of the conduct of any person touching any public question, and respecting his character so far as his character appears in that conduct;

(d) are an impartial and accurate report of the proceedings of any Court or of the result of any such proceedings, unless the Court has itself prohibited the

- publication, or the subject-matter of the trial is unfit for publication, or the subject-matter of the proceedings is blasphemous or obscene;
- (e) are a fair and bona fide comment or criticism of the merits of any case, civil or criminal, which has been decided by any Court, or respecting the conduct of any person as a party, witness, or agent in any such case, or respecting the character of such person, so far as his character appears in that conduct;
  - (f) are a fair and bona fide comment or criticism of the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance;
  - (g) are written or uttered by a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, and pass in good faith any censure on the conduct of that other to any person having an interest in such conduct, or in a newspaper if there was no other way for the writer efficiently to protect his interest or the interests of society in matters to which such lawful authority relates;
  - (h) prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter or accusation;
  - (i) amount to an imputation or allegation on the character of another, provided that the imputation or allegation is made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good;
  - (j) convey a caution in good faith to one person against another, provided that such caution is intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested or for the public good; or
  - (k) publish an impartial and accurate report of the proceedings of any public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of the Assembly or of a municipal council.

[Amended 5/99]

### **289 Publication of reply by newspaper**

(1) (a) The owner or editor of any newspaper shall further be bound to insert gratuitously within 3 days (or in the next number where the paper is not a daily) the reply of any person named or referred to in the newspaper, provided such reply does not contain any matter amounting to an offence under any enactment, and provided such reply is not foreign to the subject in connexion with which such person has been named or referred to in the newspaper, without prejudice to the other penalties to which the article may give rise.

(b) This insertion shall be made in the same place and in the same type as the original article and shall be published without charge provided it does not exceed twice the length of the article.

(c) In that case the excess shall be charged for at advertisement rate.

(2) Any owner or editor who contravenes subsection (1) shall be liable to a fine not exceeding 10,000 rupees, and shall insert the reply within 3 days of such conviction (or in the next number if the paper is not a daily), failing which he shall be liable to a further fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

### **290 Privilege for court proceedings**

(1) No civil or criminal action, suit or other proceeding for defamation or insult ('injure') shall lie against –

(a) –

- (b) a member of the 'Ministère Public', a State Prosecutor, or the State Attorney for anything said or written by him in his official capacity;
- (c) a barrister or advocate for anything said by him as counsel for a party to any judicial proceeding;
- (d) a witness for anything said by him in giving evidence;
- (e) any person being a party to proceedings before any Court, or any attorney or agent of such party, for words spoken or writings produced in the course of such proceedings before such Court.

(2) In the case of words spoken or of writings produced before any Court, defamatory allegations, foreign to the cause at issue, may give rise, either to a public prosecution, or to a civil action by the parties in the suit, where the right to such action has been reserved to such parties by the Court, and may, in every case, give rise to a civil action from a third party.

[Amended 48/91]

**291 Criminal intimidation**

Any person who threatens another, either by writing or verbally, with making any disclosure or imputation which may cause any injury to his person, reputation or property, or to the person, or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, shall be guilty of criminal intimidation, and shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

**292-295 –****296 Insult**

Any injurious expression or any term of contempt or invective, or other abusive language, not carrying with it the imputation of a fact, is an insult ('injure') and any person who is guilty of the offence shall be liable to the following penalties –

- (a) where the offence is committed by means of words, exclamations or threats not made use of in public, a fine not exceeding 5,000 rupees;
- (b) where the offence is committed by means of words, exclamations or threats made use of in public, a fine not exceeding 10,000 rupees;
- (c) where the offence is committed by means of any written or printed matter, drawing, picture, emblem or image, imprisonment for a term not exceeding 3 months and a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

**296A –****297 False and malicious denunciation in writing**

Any person who makes a false and malicious denunciation in writing against any individual to any officer of justice or to any officer of police, whether administrative or judicial, shall be liable to imprisonment for a term not exceeding one year and a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

**298 Effecting public mischief**

Any person who knowingly makes to a police officer a false statement in writing concerning an imaginary offence shall commit the offence of effecting a public mischief and shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]



### 299 Publishing false news

La publication, diffusion ou reproduction, par n'importe quel moyen, de nouvelles fausses ou de nouvelles vraies en elles-mêmes mais altérées en une ou plusieurs de leurs parties ou mensongèrement attribuées à des tiers, lorsque la publication, la diffusion ou la reproduction est de nature à troubler l'ordre ou la paix publique sera punie –

- (a) si l'offense a été commise au moyen de paroles, d'une amende ne dépassant pas 10,000 roupies et d'un terme d'emprisonnement ne dépassant pas un an;
- (b) si l'offense a été commise au moyen d'écrits, de journaux, pamphlets ou d'imprimés ou par n'importe quel autre moyen que des paroles, d'une amende d'au moins 20,000 roupies et ne dépassant pas 50,000 roupies et d'un terme d'emprisonnement ne dépassant pas un an,

à moins que le prévenu n'établisse que la publication, la diffusion ou la reproduction incriminée a été faite de bonne foi et après vérification suffisante.

[Amended 1/85; 29/90; 40/90; 5/99]

### 300 Disclosing professional secret

Les médecins, chirurgiens, ainsi que les pharmaciens, les sages-femmes et toutes autres personnes dépositaires, par état ou profession, des secrets qu'on leur confie, qui, hors le cas où la loi les oblige à se porter dénonciateurs, auront révélé ces secrets,

shall be punished by imprisonment for term not exceeding 6 months, and by a fine not exceeding 10,000 rupees

[Amended 29/90; 5/99]

### 300A Data protection and security

The publication, diffusion or reproduction, by any means, of false news or of news which though true in substance has been altered in one or more parts or falsely attributed to some other person, if the publication, diffusion or reproduction is of such a nature as to disturb public order or public peace, shall be punished –

- (a) where the offence is committed by means of any spoken words by a fine not exceeding 10,000 rupees and imprisonment for a term not exceeding one year;
- (b) where the offence is committed by means of any writing, newspaper, pamphlet or printed matter or by any means other than spoken words, by a fine which shall not be less than 20,000 rupees and not more than 50,000 rupees and imprisonment for a term not exceeding one year,

unless it is proved by the accused that the publication, the diffusion or reproduction was made in good faith and after making sufficient inquiries to ascertain its truth.

(1) In this section –

“computer service person” means a person who provides another person with services in respect of personal data by –

- (a) acting as agent for that other person and causing personal data held by him to be processed; or
- (b) allowing another person to make use of equipment in his possession for the processing of personal data;

“data” means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose;

“data user” means a person who holds personal data;

“personal data” means data consisting of information, including expressions of opinion relating to a living individual who can be identified from that information.

(2) For the purposes of subsections (3) and (4) a person shall be deemed to hold data where –

- (a) the data formed part of a collection of data processed or intended to be processed on his behalf;
- (b) that person controls the contents and use of the data; and
- (c) the data are in a form –
  - (i) in which they have been or are intended to be processed; or
  - (ii) into which they have been converted after being so processed.

(3) Where a data user or computer service person holds or is in possession of personal data which is not accurate, the data user or computer service person, as the case may be, shall commit an offence.

(4) Where a data user or computer service person holding or in possession of personal data –

- (a) permits any unauthorised access to, or alteration or disclosure of, the personal data;
- (b) holds or possesses the personal data in such a manner that they are likely to be accidentally lost, partially or totally damaged, or destroyed,

the data user or computer service person shall commit an offence.

(5) Any person who commits an offence under subsection (3) or (4) shall, on conviction, be liable to penal servitude for a term not exceeding 10 years and to a fine not exceeding 100,000 rupees.

[Added 18/98]

## CHAPTER II – OFFENCES AGAINST PROPERTY

### 301 Larceny

(1) Any person who fraudulently abstracts anything not belonging to himself shall commit larceny and be liable on conviction to imprisonment, and to a fine not exceeding 10,000 rupees.

(2) The abstraction of property by the husband to the prejudice of the wife, or by the wife to the prejudice of the husband, shall not give rise to a prosecution.

[Amended 29/90; 5/99]

### 301A Penalty for other larcenies

(1) Every person who is convicted of an offence under section 303, 304, 305, 306 or 307 and who at the time of the commission of the offence was masked, made use of an offensive weapon which caused injury or had in his possession a firearm or a mock firearm shall be punished for a term which shall not be less than 5 years and not more than 15 years.

(2) For the purposes of subsection (1), “offensive weapon” means any article made, or adapted for use, or suitable for causing injury to the person.

(3) The Probation of Offenders' Act shall not apply to an offence punishable under subsection (1) except where the accused is under the age of 18 at the date of the sentence.

(4) The Intermediate Court shall notwithstanding –

(a) section 113 of the Courts Act, have jurisdiction to inflict the penalty provided under subsection (1);

(b) section 139 of the Criminal Procedure Act, have power to order sentences imposed under this section to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 30 years.

[Added 1/85]

### **302 Larceny of produce of soil**

(1) Any person who fraudulently abstracts, steals, takes or carries away any crop or other produce of the soil, whether the same before being so abstracted, stolen, taken or carried away had or had not yet been detached from the soil, shall commit larceny and be liable on conviction to imprisonment and to a fine not exceeding 5,000 rupees.

(2) Where such larceny is committed under any of the circumstances specified in sections 303, 304, 305, 306 and 309, the offender shall be liable to the punishments enacted in the said sections respectively.

[Amended 29/90; 5/99]

### **303 Larceny with wounding**

(1) Quiconque aura commis un vol, et soit au temps du vol, soit immédiatement avant ou après aura blessé quelque personne avec une arme offensive ou un instrument quelconque,

(1) Any person who with intent to commit a larceny, at night, and by means of breaking, enters a dwelling house, and, with intent to kill, assaults any person being in such house, or wounds, beats or strikes such person,

shall be punished by penal servitude.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the person wounded is a minor or a physically or mentally handicapped person, the person charged shall, on conviction be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 13/98]

### **304 Larceny with violence by night breaking**

(1) Quiconque pour commettre un vol, se sera introduit la nuit et à l'aide d'effraction, dans une maison habitée, et aura attaqué quelque personne se trouvant dans la dite maison, dans l'intention de la tuer, ou l'aura blessée, battue ou frappée,

(1) Any person who commits a larceny, and either at the time of such larceny, or immediately before or after the same, wounds any person with an offensive weapon or with any instrument,

shall be punishable by penal servitude.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the person assaulted is a minor or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 13/98]

### 305 Larceny with other aggravating circumstance

(1) Seront punis de servitude pénale tous individus coupables du crime de vol avec l'une des circonstances suivantes –

- (a) si le coupable, étant porteur d'une arme offensive, ou d'un instrument quelconque, a commis le vol, ou a attaqué quelqu'un dans le dessein de le voler;
- (b) si le vol a été commis, ou s'il y a eu attaque de quelque personne dans le dessein de voler, par 2 ou un plus grand nombre d'individus;
- (c) si au temps ou le vol a été commis, ou immédiatement avant ou après le vol, le coupable a battu ou frappé quelque personne ou usé envers elle d'aucune violence quelconque;
- (d) si le vol a été commis dans une maison habitée, et si le coupable a, par aucune menace, effrayé quelque personne se trouvant dans la dite maison;
- (e) si le vol a été commis sur une personne sur un chemin public.

(1) The punishment of penal servitude shall be applied to any person convicted of the crime of larceny attended by any one of the following circumstances –

- (a) where the offender, being armed with an offensive weapon or with any instrument has committed the larceny or assaulted any person with intent to rob him;
- (b) where the larceny has been committed, or where the assault upon any person with intent to rob him, has been made by 2 or more individuals;
- (c) where at the time of the larceny being committed, or immediately before or after the larceny, the offender has beaten or struck any person, or used any violence whatever towards such person;
- (d) where the larceny is committed in a dwelling house, and where the offender has by any menace, put in bodily fear any person in such house; or
- (e) where the larceny has been committed upon any person on a public road.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that any person specified in subsection (1)(a) to (1)(e) is a minor or a physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 13/98]

### 306 Larceny by night breaking

Quiconque sera coupable de vol commis la nuit et à l'aide d'effraction,

Any person who is convicted of larceny, committed during the night by means of breaking,

shall be punished by penal servitude.

### **307 Penalty for extortion**

(1) Any person who extorts or obtains from any person through intimidation by charging or threatening to charge such person with having committed an offence, money or other property, shall be punished with penal servitude.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the offence under subsection (1) is committed upon a minor, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 13/98]

### **308 Looting**

(1) Quiconque aura pillé ou volé quelque partie d'un navire en détresse, naufragé, jeté ou échoué sur le rivage ou quelques marchandises ou objets quelconques appartenant au dit navire; ou qui aura volé tout objet quelconque pendant l'incendie d'une maison et provenant de la dite maison incendiée,

(1) Any person who plunders or steals any part of a ship or vessel, in distress, wrecked, stranded, or cast on shore, or any goods or articles, belonging to such ship or vessel, or steals any article from a house whilst the house is on fire,

shall be punished by penal servitude.

(2) Without prejudice to any other enactment, where in any area which has been the scene of a riot or civil commotion or in any area to which this section has been applied by order of the Commissioner of Police, any person –

(a) steals any article from premises which –

(i) have been damaged by riot or civil commotion; or

(ii) have been vacated by reason of riot, civil commotion or in consequence of directions given for the purpose of preserving public safety or public order or for protecting persons and property; or

(b) (i) steals any article which has been left exposed, or unprotected as a consequence of riot or civil commotion;

(ii) unlawfully enters any premises;

(iii) damages any property, assaults any person; or

(iv) is found with any offensive weapon or house breaking implement with intent to commit an offence,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to penal servitude for a term not exceeding 10 years.

[Amended 30/91]

### **309 Larceny with breaking and larceny by servant**

(1) Tout individu coupable du crime de vol commis à l'aide d'effraction extérieure ou intérieure, d'escalade ou de fausses clés, sans aucune des circonstances mentionnées aux sections précédentes sera puni d'une servitude pénale n'excédant pas 6 ans.

(1) The punishment of penal servitude for a term not exceeding 6 years shall be applied to any person convicted of the crime of larceny committed with external or internal breaking, scaling, or false keys,

but not attended by any of the circumstances specified in the preceding

(2) La même peine sera appliquée –

(a) si le voleur est un domestique, ou un homme à gages, même lorsqu'il aura commis le vol envers des personnes qu'il ne servait pas, mais qui se trouvaient, soit dans la maison de son maître, soit dans celle où il l'accompagnait;

(b) si le voleur est un ouvrier, compagnon ou apprenti, dans la maison, l'atelier ou le magasin de son maître;

(c) si le voleur est un individu travaillant habituellement dans l'habitation où il aura volé;

(d) si le voleur est un aubergiste, un hôtelier, un voiturier, un batelier ou un de leurs préposés, lorsqu'ils auront volé tout ou partie des choses qui leur étaient confiées à ce titre.

sections.

(2) The like punishment shall be applied –

(a) where the offender is a servant, or a person on wages, even if the larceny has been committed upon an individual whom he did not serve, but who was either in the house of the master of such offender, or in that to which such offender had accompanied his master;

(b) where such offender is a workman, journeyman, or apprentice, in the house, manufactory, or shop of his master;

(c) where the offender is a person habitually employed on the premises where he committed the larceny;

(d) where the offender is an inn or hotelkeeper, carrier, boatman, or any person employed by them, where they have stolen, in whole or in part, the goods entrusted to them in that capacity.

[R 2/83]

### **310 Larceny with violence**

(1) Any person who commits an assault with intent to commit larceny, or who with threats or by force, demands anything belonging to another person with intent to steal the same, shall be liable to imprisonment.

(2) (a) Notwithstanding section 152 of the Criminal Procedure Act, where it is averred that the person assaulted, threatened or against whom force is used is a minor or physically or mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 13/98]

### **311 Penalty for recidivism in larceny**

Tout individu déjà condamné correctionnellement pour un vol en récidive, qui commettrait ultérieurement un délit de même nature, sera considéré comme coupable d'un crime, et

Any person having already been condemned correctionally more than once for larceny, who subsequently commits a misdemeanour of the like nature shall be deemed to have committed a crime and

shall be punished by penal servitude.

### **312 Interpretation of "dwelling house"**

(1) Est réputée maison habitée, quant à l'application de la peine, tout bâtiment, logement, loge, cabane mobile qui sans être actuellement habité, est destiné à l'habitation, et tout ce qui en dépend, comme cours, basses-cours, granges, écuries, édifices qui y sont enfermés, quel qu'en soit l'usage, et quand même ils auraient une clôture particulière dans la clôture ou enceinte générale.

(2) Sont assimilés aux maisons habitées, les édifices et bâtiments publics.

(1) Any building, lodging, lodge or movable hut, which without being actually inhabited, is destined to be inhabited, and all the appurtenances thereof, as the yard, lower yard, barn, stable, or any building therein enclosed, whatever its use, and even though enclosed by a special enclosure in the general enclosure or space occupied by the premises, shall be deemed a dwelling house, as regards the application of punishment.

(2) Public edifices or buildings are deemed to be dwelling houses.

### **313 Interpretation of "enclosure"**

Est réputé enclos, tout terrain environné de fossés, de pieux, de claies, de planches, de haies vives ou sèches, ou de murs, de quelque espèce de matériaux que ce soit, quelles que soient la hauteur, la profondeur, la vétusté, la dégradation de ces diverses clôtures, quand il n'y aurait pas de porte fermant à clé ou autrement, ou quand la porte serait à clairevoie et ouverte habituellement.

Any land surrounded by a ditch, or by pales, hurdles, planks, green or dry hedge, or wall, whatever is the nature of the materials of which the same may be composed, and whatever is the height, depth, age or state of decay of such enclosure, although there is no door shutting by a key or otherwise, or although the door consists of an open railing, and is usually left open, is deemed to be an enclosure.

**314 Interpretation of “enclosure” and of “appurtenance of dwelling house”**

Les parcs destinés à contenir du bétail dans la campagne, de quelque matière qu'ils soient faits, même mobiles, sont aussi réputés enclos; et lorsqu'ils tiennent aux cabanes mobiles ou autres abris destinés aux gardiens, ils sont réputés dépendants de la maison habitée.

Any park or pen, destined to confine cattle in the country, in whatever way it may be made, even though it is movable, is likewise deemed to be an enclosure, and if it is attached to any movable hut or other shelter destined for the use of the keeper of such cattle, such park or pen shall be deemed to be an appurtenance of a dwelling house.

**315 Interpretation of “breaking”**

Est qualifiée effraction, tout forçement, repture, dégradation, démolition, enlèvement de murs, toits, planchers, portes, fenêtres, serrures, cadenas, ou autres ustensiles ou instruments servant à fermer ou empêcher le passage, et de toute espèce de clôture, quelle qu'elle soit.

Any forcing, rupture, injuring, demolition or removal of any wall, roof, floor, door, window, lock, padlock or other utensil or instrument used for shutting in, or for preventing a passage, or of any enclosure of any description, is deemed a breaking.

**316 External and internal breaking**

Les effractions sont extérieures ou intérieures.

Breaking is either external or internal.

**317 Interpretation of “external breaking”**

Les effractions extérieures sont celles à l'aide desquelles on peut s'introduire dans les maisons, cours, basses-cours, enclos ou dépendances ou dans les appartements ou logements particuliers.

External breaking is that by means of which a passage is made for entering into any house, yard, lower-yard, enclosure or appurtenance, or into any private room or lodging.

**318 Interpretation of “internal breaking”**

(1) Les effractions intérieures sont celles qui, après l'introduction dans les lieux mentionnés en la section 317, sont faites aux portes ou clôtures du dedans, ainsi qu'aux armoires ou autres meubles fermés.

(2) Est compris dans la classe des effractions intérieures le simple enlèvement des caisses, boîtes, ballots sous toile et corde, et autres meubles fermés qui contiennent des effets quelconques, bien que l'effraction n'ait pas été faite sur le lieu.

(1) Internal breaking is that which, after the offender has entered into any of the places mentioned in section 317, is made of any door, or enclosure inside, as well as of any press, or other locked furniture.

(2) The mere carrying away of a chest, box, bale wrapped up in a cloth and corded, or other locked furniture containing any article, although the breaking does not take place on the spot, is deemed an internal breaking.

**319 Interpretation of “scaling”**

(1) Est qualifiée escalade, toute entrée dans les maisons, bâtiments, cours, basses-cours, édifices quelconques, jardins,

parcs et enclos, exécutée par dessus les murs, portes, toitures, ou toute autre clôture.



(2) L'entrée par une ouverture souterraine, autre que celle qui y a été établie pour servir d'entrée, est considérée comme escalade.

(1) The entry into any house, building, yard, lower yard, edifice of any description, garden, park or enclosure, by

### 320 Interpretation of "false key"

Sont qualifiés fausses clefs, tous crochets, rossignols, passe-partout, clefs imitées, contrefaites, altérées, égarées ou volées, ou qui n'ont pas été destinées par le propriétaire, possesseur, locataire, aubergiste ou logeur, aux serrures, cadenas, ou aux fermetures quelconques auxquelles le coupable les aura employées.

### 321 Counterfeiting key

(1) Quiconque aura contrefait, ou altéré sans motif valable, des clefs, sera condamné à un emprisonnement qui ne pourra excéder un an, et à une amende qui n'excèdera pas 2,000 roupies.

(2) Si le coupable est un serrurier de profession,

he shall be punished by penal servitude for a term not exceeding 10 years.

(3) Les peines énoncées aux alinéas (1) et (2) seront sans préjudice de plus fortes peines, s'il y échet, en cas de complicité de crime.

[R 2/83; Amended 29/90]

### 322 Larceny of obligatory writing and purloining seizure

(1) Quiconque aura extorqué par force, violence ou contrainte, la signature ou la remise d'un écrit, d'un acte, d'un titre, d'une pièce quelconque contenant ou opérant obligation, disposition ou décharge,

shall be punished by penal servitude for a term not exceeding 10 years.

(2) Le saisi qui aura détruit, détourné, ou tenté de détruire ou détourner les objets saisis sur lui et confiés à sa garde, sera puni de l'emprisonnement.

going over the wall, door, roof, or any other enclosure, is deemed a scaling.

(2) The entry by any subterraneous aperture other than that which has been established as an entrance is deemed a scaling.

Any hook, picklock, skeleton key, or any key counterfeited, altered, mislaid or stolen, or not destined by the owner, possessor, tenant, innkeeper or lodger, for the lock, padlock or other fastening to which such key has been applied by the offender, shall be deemed a false key.

(1) Any person who without lawful motive counterfeits or alters, any key, shall be condemned to imprisonment for a term not exceeding one year, and to a fine not exceeding 2,000 rupees.

(2) Where the offender is a locksmith by trade,

(3) The penalties specified in subsections (1) and (2) are without prejudice to any severer punishment according to circumstances, in case of complicity in any crime.

(1) Any person who, by force, violence, or compulsion, extorts the signature to, or the delivery of any writing, deed, title, or other document, containing or creating any obligation, condition or discharge,

(2) The party whose property has been judicially attached, and who destroys or purloins, or attempts to destroy or purloin any of the articles or goods so attached and entrusted to his custody, shall be punished by imprisonment.

(3) Il sera puni de l'emprisonnement qui n'excèdera pas un an, si la garde des objets saisis et par lui détruits ou détournés, ou qu'il aura tenté de détruire ou détourner, avait été confiée un tiers.

(4) Celui qui aura recélé sciemment les objets détournés, le conjoint, les ascendants et descendants du saisi, qui l'auront aidé dans la destruction ou le détournement de ces objets, seront punis d'une peine égale à celle qu'il aura encourue.

[R 2/83]

### **323 Enticing away servant**

Quiconque sera convaincu d'avoir embauché, caché, recélé, ou employé des serviteurs ou apprentis dûment engagés, ou de leur avoir persuadé ou cherché à persuader de quitter le service de leurs maîtres, ou de s'en absenter, sera condamné à un emprisonnement qui n'excèdera pas 6 mois, et à une amende qui n'excèdera pas 250 roupies et à 4 roupies par jour de dommages – intérêts envers le maître. L'amende sera appliquée moitié au Consolidated Fund et moitié au dénonciateur.

### **323A Falsely obtaining credit**

(1) Quiconque, sachant qu'il est dans l'impossibilité absolue de payer, se sera fait servir des boissons ou des aliments qu'il aura consommés, en tout ou en partie, dans des établissements à ce destinés, même s'il est logé dans les dits établissements, sera passible d'une amende qui n'excèdera pas 10,000 roupies et d'un terme d'emprisonnement qui n'excèdera pas un an.

(1) Any person who, knowing that he is unable to pay therefor, orders, and partakes of drinks or food, on premises used for that purpose, whether he is residing in such premises or not, shall be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

(3) Such party shall be punished by imprisonment for a term not exceeding one year, where the articles attached and so destroyed or purloined, or attempted to be destroyed or purloined, had been entrusted to the custody of a third person.

(4) Any person who knowingly receives the goods or articles purloined, and the husband or wife or the relations in the direct ascending or descending line of the party whose property has been attached, who aids such party in destroying or purloining the articles, shall suffer the same punishment as that to which such party has become liable.

Any person who is convicted of having enticed away, concealed, secreted, or employed any servant or apprentice duly engaged, or of having persuaded or endeavoured to persuade such servant or apprentice to leave the service of his master, or to absent himself therefrom, shall be condemned to imprisonment for a term not exceeding 6 months, and to a fine not exceeding 250 rupees and damages of 4 rupees per day to the master. One half of the fine shall go to the Consolidated Fund and the other half to the informer.

(2) La même peine sera applicable à celui qui, sachant qu'il est dans l'impossibilité absolue de payer, se sera fait attribuer une ou plusieurs chambres dans un hôtel ou pension de famille et les aura effectivement occupées.

[Amended 29/90; 5/99]

(2) The same penalty shall be inflicted on any person who, knowing that he is unable to pay therefor, books a room in a hotel or boarding house and occupies it.

**324-329 –**

### **330 Swindling**

(1) Quiconque, soit en faisant usage de faux noms ou de fausses qualités, soit en employant des manoeuvres frauduleuses, pour persuader l'existence de fausses entreprises, d'un pouvoir ou d'un crédit imaginaire, ou pour faire naître l'espérance, ou la crainte d'un succès, d'un accident ou de tout autre événement chimérique, soit au moyen d'un chèque tiré sur une banque à Maurice à l'ordre d'une personne ou au porteur sans provision suffisante au moment de sa présentation se sera fait remettre ou délivrer des fonds, des meubles ou des obligations, dispositions, billets, promesses, quittances ou décharges, et aura, par un de ces moyens, escroqué la totalité ou partie de la fortune d'autrui, sera puni de servitude pénale qui n'excèdera pas 10 ans et d'une amende qui n'excèdera pas 50,000 roupies.

(1) Any person who, by using a fictitious name, or assuming a false character, or by employing fraudulent pretences, to establish the belief of the existence of any fictitious operation or of any imaginary power or credit, or to create the expectation or apprehension of any success, accident or other chimerical event, or who, by means of a cheque drawn on any banker in Mauritius to the order of any person or to bearer, for the payment of which there is insufficient provision at the time of the presentment thereof, obtains the remittance or delivery of any funds, movable property, obligation, condition, bill, acknowledgement, acquittance or discharge, and by any such means as aforesaid, swindles another person out of the whole or of a part of his property, shall be punished by penal servitude for a term not exceeding 10 years, and by a fine not exceeding 50,000 rupees.

(2) (a) Notwithstanding sections 151 and 152 of the Criminal Procedure Act, where it is averred that the person swindled is a minor or a mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 2 years together with a fine not exceeding 10,000 rupees.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[R 2/83; Amended 13/98; 5/99]

### **330A Dealing unlawfully in lottery ticket**

(1) Quiconque vendra ou distribuera des représentations de billets de toute loterie autorisée par la loi ou procèdera à la vente ou à la distribution de ces représentations, sans être propriétaire ou détenteur du ou des billets officiels indiqués comme servant de couverture à la dite vente ou distribution, ou, au titre d'un même billet ou de mêmes billets vendra ou distribuera un nombre de ces représentations, ou procèdera à la vente ou à la distribution d'un nombre de ces représentations supérieur à celui qui devrait correspondre à la division convenue ou stipulée, sera coupable d'escroquerie et passible des peines applicables à ce crime.

(2) Quiconque vendra ou distribuera les dites représentations ou procèdera à la vente ou à la distribution des dites représentations et qui ne pourra, sur requête de tout officier de police, établir qu'il est propriétaire ou détenteur du ou des billets officiels indiqués comme servant de couverture à la dite vente ou distribution, sera coupable d'un délit et passible de l'emprisonnement et d'une amende n'excédant pas 10,000 roupies.

[Amended 29/90; 5/99]

### **330B Issuing cheque without provision**

(1) Tout individu qui aura de mauvaise foi, soit émis un chèque sans provision préalable et disponible, ou avec une provision inférieure au montant du chèque, soit retiré, après l'émission, tout ou partie de la provision, soit fait défense au tiré de payer, sera puni de l'emprisonnement et d'une amende n'excédant pas 10,000 roupies.

(2) Celui qui, en connaissance de cause, a accepté de recevoir un chèque émis dans les conditions visées à l'alinéa (1) sera puni de la même peine.

[Amended 29/90; 5/99]

### **331 Breach of trust of minor**

(1) Any person who sells, or distributes, or organises the sale or distribution of, shares in tickets for any lawfully promoted lottery without being the owner or lawful possessor of the official ticket or tickets declared to be those covering the said sale or distribution or in respect of any one or more tickets, sells, distributes or organises the sale or distribution of a number of shares greater than that which corresponds to the division as agreed upon or stipulated, shall be guilty of swindling and liable to the penalties applicable to that crime.

(2) Any person who sells, distributes or organises the sale or distribution of such shares and who is unable, at the request of a police officer, to prove that he is the owner or lawful possessor of the official ticket or tickets declared to be those covering the said sale or distribution shall be punished by imprisonment and by a fine not exceeding 10,000 rupees.

(1) Any person who, in bad faith issues a cheque for the payment of which there is no provision or no sufficient provision or, after the issue of a cheque either withdraws in whole or in part any provision for the payment thereof or prevents the drawee from effecting payment shall be punished by imprisonment and by a fine not exceeding 10,000 rupees.

(2) Any person who knowingly agrees to receive a cheque issued in the circumstances specified in subsection (1) shall be liable to the like punishment.

Quiconque aura abusé des besoins, des faiblesses ou des passions d'un mineur, pour lui faire souscrire, à son préjudice, des obligations, quittances ou décharges pour prêt d'argent, ou de choses mobilières, ou d'effets de commerce, ou de tous autres effets obligatoires, sous quelque forme que cette négociation ait été faite ou déguisée, sera puni de l'emprisonnement, et d'une amende qui n'excèdera pas 10,000 roupies.

Any person who takes advantage of the wants, weaknesses, or passions of a minor, for the purpose of making the minor subscribe to his prejudice, any bond, acquittance or discharge for loan of money, movable effects, commercial bill, or other valuable consideration, under whatever form such transaction is made or disguised, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees.

[Amended 5/99]

### **332 Fraudulently using unsigned document**

(1) Quiconque, abusant d'un blanc-seing qui lui aura été confié, aura frauduleusement écrit au-dessus une obligation ou décharge, ou tout autre acte pouvant compromettre la personne ou la fortune du signataire, sera puni d'une servitude pénale qui ne pourra excéder 5 ans et d'une amende qui n'excèdera pas 10,000 roupies.

(1) Any person who, taking advantage of a document signed in blank entrusted to him, fraudulently writes before the signature, any obligation, discharge or other engagement of a nature to compromise the person or fortune of the party whose signature is affixed thereunto, shall be punished by penal servitude for a term not exceeding 5 years, and by a fine not exceeding 10,000 rupees.

(2) Dans le cas où le blanc-seing ne lui aurait pas été confié, il sera poursuivi comme faussaire et puni comme tel.

(2) Where the blank signature has not been entrusted to the offender, he shall be prosecuted for forgery, and shall be punished accordingly.

[R 2/83; Amended 5/99]

### **333 Embezzlement**

(1) Any person who embezzles, squanders away or destroys or attempts to embezzle, squander away or destroy to the prejudice of the owner, possessor or holder, any goods, money, valuables, security, bill, acquittance or other document containing or creating an obligation or discharge, which has been delivered to such person merely in pursuance of any lease or hiring ('louage'), deposit ('dépot'), agency ('mandat'), pledge ('nantissement'), loan for use ('prêt à usage'), or for any work with or without a promise of remuneration with the condition that the same be returned or produced or be used or employed for a specific purpose, shall be punished by imprisonment and a fine not exceeding 10,000 rupees.

(2) Where the offence has been committed by a public or a ministerial officer, or by a servant or a person in service receiving wages, or a pupil, clerk, workman, journeyman or apprentice, to the prejudice of his master, the punishment shall be penal servitude for a term not exceeding 10 years, without prejudice to sections 178, 179 and 180 in respect of the embezzlement, abstraction or destruction of money, goods, or papers when committed in places of public deposit.

[R 2/83; Amended 5/99]

### **333A Embezzlement of security or charge**

Tout débiteur, emprunteur ou tiers donneur de gage, qui aura détruit, détourné ou tenté de détruire ou de détourner les objets par lui donnés à titre de gages avec ou sans déplacement, sera puni d'emprisonnement et d'une amende n'excédant pas 10,000 roupies.

La même peine sera applicable –

- (1) au constituant d'une sûreté fixe qui aura vendu ou aliéné un meuble grevé, sans l'autorisation de l'institution agréée bénéficiaire de cette sûreté;
- (2) au constituant d'une sûreté flottante qui après notification de l'avis de cristallisation, aura vendu ou aliéné un bien grevé, sans l'auto-risation de l'institution agréée bénéficiaire de cette sûreté.

Any person who –

- (a) being a debtor, borrower or surety, destroys, embezzles or attempts to destroy or embezzle, any property furnished by him as security with or without actual parting of possession;
- (b) in relation to a charge, without the consent of the appropriate authorised body–
  - (i) in favour of which he has created a fixed charge, or
  - (ii) after having been notified of the conversion of a floating charge into a fixed one, sells or other-wise disposes of any property subject to the charge,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[Amended 8/83; 5/99]

### **334 Removing document produced in Court**

Quiconque, après avoir produit dans une contestation judiciaire quelque titre, pièce ou mémoire, l'aura soustrait, de quelque manière que ce soit, sera puni d'une amende qui ne pourra excéder 10,000 roupies.

Any person who, after having produced in a judicial suit any deed, document or memorial, makes away with the same, shall be punished by a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

### **335 –**

### **336 Pawnbroking and money lending without lawful authority**

Ceux qui auront établi ou tenu des maisons de prêt sur gages ou nantissement, sans autorisation légale, ou qui se livreront habituellement à des prêts de cette nature, ou qui, ayant une autorisation, ne se seront pas conformés aux conditions et formalités qui leur auront été imposées, seront punis d'un emprisonnement qui ne pourra excéder 3 mois, et d'une amende qui n'excèdera pas 5,000 roupies.

[Amended 5/99]

### **337 Hindering judicial sale**

(1) Ceux qui dans les adjudications de la propriété, de l'usufruit ou de la location des choses mobilières ou immobilières, d'une entreprise, d'une fourniture, d'une exploitation ou d'un service quelconque, auront entravé la liberté des enchères ou des soumissions, par voies de fait, violences ou menaces, soit avant soit pendant les enchères ou les soumissions, seront punis d'un emprisonnement qui ne pourra excéder 3 mois, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) La même peine aura lieu contre ceux qui, par dons ou promesses, auront écarté les enchérisseurs.

[Amended 5/99]

### **338 Speculating fraudulently**

Tous ceux qui, par des voies ou moyens frauduleux quelconques, auront opéré la hausse ou la baisse du prix des denrées ou marchandises ou des papiers et effets publics, au-dessous des prix qu'aurait déterminés la concurrence naturelle et libre du commerce, seront punis d'un emprisonnement qui ne pourra excéder un an et d'une amende qui n'excèdera pas 10,000 roupies.

[Amended 5/99]

### **339 Penalty for speculating in certain cases**

La peine pourra être portée jusqu'au double de l'emprisonnement et de l'amende,

Any person who establishes or keeps a house for the lending of money on pledge or pawn, without lawful authority, or who is habitually addicted to the making of loans of that description, or who being duly authorised does not comply with the conditions and formalities which have been imposed upon him, shall be punished by imprisonment for a term not exceeding 3 months and by a fine not exceeding 5,000 rupees.

(1) Any person who at the adjudication of the property, usufruct, or lease of any property, or of any undertaking, supply, work, or engagement, impedes the freedom of any judicial sale, or of any tender, by assault, violence or threat whether before or during such sale or tender, shall be punished by imprisonment for a term not exceeding 3 months, and by a fine not exceeding 10,000 rupees.

(2) The like punishment shall be applied to any person who by gift or promise, prevents any person from bidding.

Any person who, by any fraudulent ways or means, causes a rise or fall in the price of provisions or merchandise, or of public bills or securities above or below the price which would have been determined by a natural and fair commercial competition, shall be punished by imprisonment for a term not exceeding 10,000 rupees.

si ces manoeuvres ont été pratiquées sur

grains, grenailles, farines, pains et substances farineuses.

The term of imprisonment and the amount of the fine may be doubled where

the artifices have been practised with regard to grain, flour, bread and other farinaceous substances.

**340-342 –**

### **343 Deceiving purchaser**

- (1) Quiconque aura –
- (a) trompé l'acheteur sur le titre des matières d'or ou d'argent, la qualité d'une pierre fausse vendue pour fine, ou la nature de toutes marchandises;
  - (b) par usage de faux poids ou de fausses mesures, trompé la quantité des choses vendues,

sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) Les noms des coupables seront publiés dans la *Gazette*.

(3) (a) Les objets du délit ou leur valeur, s'ils appartiennent encore au vendeur, seront confisqués.

(b) Les poids faux, et les fausses mesures seront aussi confisqués, et de plus seront brisés.

(4) (a) Notwithstanding sections 152 and 153 of the Criminal Procedure Act, where it is averred that the deceived purchaser is a minor below the age of 16 or a mentally handicapped person, the person charged shall, on conviction, be liable to imprisonment for a term of not less than 3 months together with a fine of not less than 1,000 rupees.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

[Amended 29/90; 13/98; 5/99]

- (1) Any person who –
- (a) deceives a purchaser, as to the standard of gold or silver, or the quality of a false stone by selling it for a precious one, or as to the nature of any goods; or
  - (b) by using any false weight or measure, deceives in regard to the quantity of goods sold,

shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

(2) The name of an offender under subsection (1) shall be published in the *Gazette*.

(3) (a) The article with which an offence has been committed under subsection (1), or the value thereof, where they still belong to the vendor, shall be forfeited.

(b) The false weights and measures shall likewise be forfeited, and shall also be destroyed.



### **344 Failing to honour public contract**

Tous individus qui auront contracté pour fournitures, entreprises, ou régies pour le compte des forces de terre ou de mer, qui, sans y avoir été contraints par une force majeure, et à dessein, auront fait manquer le service dont ils sont chargés,

Any person who contracts for any supply, undertaking or superintendence, on account of the land or sea forces and who, wilfully and without being compelled by superior force, causes a failure in the contract so entrusted to him,

shall be punished by penal servitude for a term not exceeding 10 years, and by a fine not exceeding 10,000 rupees.

[R 2/83; Amended 5/99]

### **345 Public officer assisting defaulting contractor**

Si des fonctionnaires publics ou des agents, préposés ou salariés du Gouvernement, ont aidé les coupables à faire manquer le service, ils seront punis de servitude pénale n'excedant pas 10 ans sans prejudice de peines plus fortes, en cas d'intelligence avec l'ennemi.

Any public functionary, agent of the Government or person appointed or paid by the Government, who assists the offender in his breach of contract, shall be punished by penal servitude for a term not exceeding 10 years, without prejudice to any severer punishment, in the case of collusion with the enemy.

[R 2/83]

### **346 Arson**

(1) Any person who wilfully sets fire to any building, ship, boat, storehouse, timber-yard or any other place when they are inhabited or in use as a residence or as a place of meeting, whether the same belongs to him or not, shall be liable to penal servitude.

(2) Where the building, ship, boat, storehouse, timber-yard or other place is not inhabited nor in use as a residence or as a place of meeting, and does not belong to him, he shall be liable to penal servitude for a term not exceeding 10 years.

(3) Any person who wilfully sets fire to any forest, plantation, or to any wood, timber, coppice, or crop, whether standing or cut, which does not belong to him, shall be liable to penal servitude for a term not exceeding 10 years.

(4) Any person who in setting fire to his vehicle, building, ship, boat, storehouse, timber-yard or other place, when they are not inhabited nor in use as a residence or as a place of meeting, or to his forest, plantation, wood, timber, coppice or crop, whether standing or cut, wilfully causes or attempts to cause any loss, prejudice or injury to any other person, shall be liable to penal servitude for a term not exceeding 10 years.

(5) Any person who wilfully sets fire to any motor vehicle, whether it belongs to him or not, shall be liable to penal servitude.

(6) Any person who by setting fire to anything whether it belongs to him or not, wilfully sets fire to any property or thing specified in subsections (1) to (5), shall be liable to penal servitude for a term not exceeding 10 years.

[R 2/83]

### **347 Arson causing death**

Dans tous les cas prévus par la section 346, si l'incendie a occasionné la mort d'une ou plusieurs personnes se trouvant dans les lieux ou véhicules incendiés au moment ou il a éclaté,

In all cases specified in section 346, where the fire caused the death of one or more persons, being in the place or vehicle set on fire at the moment of the fire breaking forth,

the punishment shall be penal servitude for life.

[Amended 31/95]

### **348 Threatening arson**

La menace d'incendier une habitation ou toute autre propriété sera puni de la peine portée contre la menace d'assassinat, et selon les distinctions établies par les sections 224, 225 et 226

Any threat to set fire to a dwelling-place, or to any other property, shall be punished by the same punishment as a threat to murder, and according to the distinctions specified in sections 224, 225 and 226.

### **349 Damaging public property, private enterprise or vehicle**

(1) Quiconque aura volontairement détruit, renversé, endommagé ou mis hors de service, par quelque moyen que ce soit, en tout ou en partie, des édifices, navires ou bateaux, des ponts, digues ou chaussées ou autres constructions, et toutes propriétés publiques quelconques, ou même des usines, ustensiles, objets servant à l'exploitation d'un bien rural ou d'une manufacture appartenant à autrui ou des véhicules appartenant à autrui,

(1) Any person who wilfully destroys, reaks down, damages, or renders useless, by any means, in whole or in part, any building, bridge, ship, vessel, boat, bridge, dike, causeway or other erection, any public property, any engine, utensil, or any article used in the business of a country estate, or of a manufacture belonging to another person or any vehicle belonging to another person,

shall be punished by penal servitude not exceeding 10 years and by a fine not exceeding 3,000 rupees.

(2) Any person, who, without lawful authority –

- (a) damages or interferes with any military installations, dock, harbour, road, power station, transmission line, water supply system, telegraph or telephone apparatus or installation, broadcasting station, or other means of communication or aircraft, aircraft material, airport landing ground or mooring;
- (b) obstructs or endangers the safety of any vessel, aircraft or vehicle,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to penal servitude for a term not exceeding 10 years.

(3) In this section –

“military installation” means any building, installation or other property belonging to or used by the Police Force or the armed forces;

“vehicle” –

- (a) means any vehicle designed or adapted for use on any road; and
- (b) includes any other means of conveyance.

[Amended 29/90; 30/91]

### **350 Hindering public works by force**

(1) Quiconque, par des voies de fait, se sera opposé à la confection des travaux ordonnés par le Gouvernement, sera puni

de l'emprisonnement, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) Les instigateurs subiront la même peine.

(1) Any person who by violence opposes the carrying on of any work ordered by the Government, shall be punished by

imprisonment, and by a fine not exceeding 10,000 rupees.

(2) The instigators shall suffer the like punishment.

[Amended 29/90; 5/99]

### **351 Destroying document**

Quiconque aura volontairement brûlé ou détruit, d'une manière quelconque, des registres, minutes ou actes originaux de l'autorité publique, des titres, billets, lettres de change, effets de commerce ou de banque, contenant ou opérant obligation, disposition ou décharge,

Any person who wilfully burns or destroys, any register, minute or original act of public authority, or any deed, promissory note, bill of exchange, commercial or bank security, containing or creating any obligation, condition or discharge,

shall be punished by penal servitude for a term not exceeding 10 years, or by imprisonment and by a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

### **352 Damaging property by band**

(1) Tout pillage, tout dégat de denrées ou marchandises, effets, propriétés mobilières ou immobilières commis en réunion ou bande et à force ouverte, sera puni d'une servitude pénale qui ne pourra excéder 10 ans et d'une amende qui ne pourra excéder 25,000 roupies.

(1) Any person who plunders, or damages provisions, goods or merchandise or any other property committed by a body or band, and with open force, shall be punished by penal servitude for a term not exceeding 10 years, and by a fine not exceeding 25,000 rupees.

(2) Any person who, without lawful authority, enters or attempts to enter on any premises

—

- (a) by using violence to any other person or building;
- (b) by threats to any other person; or
- (c) while in a body or band consisting of 5 or more persons,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to penal servitude for a term not exceeding 10 years.

[R 1/83; R 2/83; Amended 29/90; 30/91; 5/99]

### **353 Damaging goods used for manufacture**

Quiconque, à l'aide d'une liqueur corrosive ou par tout autre moyen, aura volontairement gâté des marchandises ou matières, servant à la fabrication, ou des effets confectionnés, sera puni de l'emprisonnement, et d'une amende qui n'excèdera pas 10,000 roupies.

[Amended 29/90; 5/99]

### **354 Damaging crop**

Quiconque aura dévasté des récoltes sur pied, ou plants venus naturellement ou faits de main d'homme, sera puni de l'emprisonnement, et d'une amende qui n'excèdera pas 10,000 roupies.

[Amended 29/90; 5/99]

### **355 Damaging tree**

(1) Quiconque aura abattu ou détruit un ou plusieurs arbres qu'il savait appartenir à autrui, ou plantés sur des places, routes, chemins, rues ou voies publiques, vicinales ou de traverse, sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies.

(2) Les peines seront les mêmes pour un ou plusieurs arbres mutilés, coupés ou écorchés, de manière à les faire périr, ou s'il y a eu destruction d'une ou de plusieurs greffes.

[Amended 5/99]

### **356 Damaging agricultural product**

Quiconque aura coupé ou extrait de la terre, des graines ou fourrages, fruits, légumes, ou toute autre production qu'il savait appartenir à autrui, sera puni d'un emprisonnement qui ne pourra excéder 6 mois, et d'une amende qui n'excèdera pas 10,000 roupies.

[Amended 29/90; 5/99]

### **357 Damaging agricultural instrument**

Any person who, by means of a corrosive liquid or in any other manner, wilfully spoils any goods or materials used for manufacture, or any manufactured article, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees.

Any person who destroys any standing crop, or any plant growing naturally or by the labour of man, shall be punished by imprisonment, and by a fine not exceeding 10,000 rupees.

(1) Any person who breaks or destroys any tree, knowing it belongs to another person, or growing in any square, highway, road, street, or in any public, vicinal or private path, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

(2) The like punishment shall be applied, where one or more trees have been damaged, cut, or barked, so as to cause the destruction of the same, or where one or more grafts have been destroyed.

Any person who cuts or pulls out of the ground any grain, forage, fruit, vegetable, or any other produce, knowing it belongs to another person, shall be punished by imprisonment for a term not exceeding 6 months and by a fine not exceeding 10,000 rupees.

Toute rupture ou toute destruction d'instruments d'agriculture, de parcs de bestiaux, de cabanes de gardiens, sera punie d'un emprisonnement qui n'excèdera pas un an, et d'une amende qui ne pourra excéder 10,000 roupies.

[Amended 29/90; 5/99]

### **358 Poisoning animal**

Quiconque aura empoisonné des chevaux ou autres bêtes de voiture, de monture ou de charge, des bestiaux à cornes, des moutons, chèvres, porcs, chiens de garde, animaux de basse-cour, ou des poissons dans des étangs, viviers, réservoirs ou rivières, sera puni d'une servitude pénale qui ne pourra excéder 10 ans et d'une amende qui ne pourra excéder 10,000 roupies.

[R 2/83; Amended 29/90; 5/99]

### **359 Killing animal**

(1) Ceux qui, méchamment et à dessein prémédité, auront tué l'un des animaux mentionnés à la section 358, seront punis ainsi qu'il suit –

- (a) si le délit a été commis dans les bâtiments, enclos et dépendances, ou sur les terres dont le maître de l'animal tué était propriétaire, locataire, colon ou fermier, la peine sera l'emprisonnement et une amende qui n'excèdera pas 10,000 roupies;
- (b) s'il a été commis dans tout autre lieu, l'emprisonnement n'excèdera pas un an.

(2) La peine de l'emprisonnement sera toujours prononcée en cas de violation de clôture.

[Amended 29/90; 5/99]

### **360 Injuring animal**

(1) Quiconque aura, méchamment et à dessein, blessé ou estropié les animaux

The breaking or destruction of any agricultural instrument, park or pen for cattle, or of any keeper's hut, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

Any person who poisons any horse, or other animal used for draught, riding or carrying burden, or any horned cattle, sheep, goat, pig, watch-dog, poultry, or any fish in any pond, tank, reservoir or river, shall be punished by penal servitude for a term not exceeding 10 years and by a fine not exceeding 10,000 rupees.

(1) Any person who wilfully and maliciously kills any of the animals specified in section 358, shall be punished as follows –

- (a) where the offence has been committed in any building, enclosure, appurtenance, or on any ground of which the owner of the animal killed is the proprietor, lessee, cultivator or tenant, the punishment shall be imprisonment and a fine not exceeding 10,000 rupees;
- (b) where the offence has been committed in any other place, the imprisonment shall not exceed one year.

(2) The punishment of imprisonment shall be inflicted where any enclosure is forced.

mentionnés dans la section 358, ou aura blessé estropié ou tué tout autre animal

domestique dans un lieu dont celui à qui cet animal appartient est propriétaire, locataire, colon ou fermier, sera puni d'un emprisonnement qui ne pourra excéder 6 mois, et d'une amende qui n'excèdera pas 10,000 roupies.

(1) Any person who wilfully and maliciously wounds or maims any of the

(2) Si le fait a été commis dans tout autre lieu, l'emprisonnement n'excèdera pas 3 mois.

(3) La peine de l'emprisonnement sera toujours prononcée, s'il y a eu violation de clôture.

[Amended 29/90; 5/99]

### **361 Penalty for offence by keeper of animal**

Dans tous les cas prévus aux sections 358 à 360, si le fait a été commis par une personne à qui la garde des dits animaux a été confiée,

the punishment shall be penal servitude for a term not exceeding 10 years.

[R 2/83]

### **362 Damaging enclosure**

Quiconque aura, en tout, ou en partie, comblé des fossés, détruit des clôtures, de quelques matériaux qu'elles soient faites, coupé ou arraché des haies vives ou sèches; quiconque aura déplacé ou supprimé des bornes ou pieds corniers ou autres arbres plantés ou reconnus pour établir les limites entre différents héritages, sera puni d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 10,000 roupies.

[Amended 29/90; 5/99]

### **363 Damaging building**

Ceux qui auront jeté des pierres ou autres corps durs contre les maisons, édifices ou clôtures d'autrui, ou dans les

animals specified in section 358, or wounds, maims, or kills any other domestic animal, in a place of which the owner of the animal is the proprietor, lessee, cultivator or tenant, shall be punished by imprisonment for a term not exceeding 6 months, and by a fine not exceeding 10,000 rupees.

(2) Si le fait a été commis dans tout autre lieu, l'emprisonnement n'excèdera pas 3 mois.

(3) The punishment of imprisonment shall be inflicted where any enclosure has been forced.

In the cases provided for in sections 358 to 360, where the offence is committed by a person to whom the keeping of animals was entrusted,

Any person who, whether in whole or in part, fills up any ditch, destroys any enclosure made of any materials, cuts or tears up any hedge, whether quick or dead, or displaces or takes away any landmark, cornerstone or tree, planted or known as establishing the boundaries between different properties, shall be punished by imprisonment for a term not exceeding one year, and by a fine not exceeding 10,000 rupees.

jardins ou enclos, seront punis d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas

10,000 roupies, sans préjudice de peine plus forte, s'il est résulté quelque blessure ou accident.

Any person who throws any stone or other hard substance against the house, building or enclosure, of another person or  
[Amended 29/90; 5/99]

#### **364 Flooding road or property**

Seront punis d'une amende qui ne pourra excéder 10,000 roupies, les propriétaires ou fermiers ou toute autre personne jouissant de moulins, usines ou étangs qui par l'élévation du déversoir de leurs eaux audessus de la hauteur déterminée par l'autorité compétente, auront inondé les chemins ou les propriétaires d'autrui.

[Amended 29/90; 5/99]

#### **365 Damaging property by fire**

L'incendie des propriétés mobilières ou immobilières d'autrui qui aura été causé par la vétusté ou le défaut soit de réparation, soit de nettoyage des fours, cheminées, forges, maisons, ou usines prochaines, ou par des feux allumés dans les champs à moins des 100 toises des maisons, édifices, fôrets, bruyères, bois, vergers, plantations, haies, meules, tas de grains, pailles, foins, fourrages, ou de tout autre dépôt de matières combustibles, ou par des feux ou lumières portés ou laissés sans précaution suffisante, ou par des pièces d'artifice allumées ou tirées par négligence ou imprudence, sera puni d'une amende qui ne pourra excéder 10,000 roupies.

[Amended 29/90; 5/99]

#### **366 Failing to notify of infected animal**

Tout détenteur ou gardien d'animaux ou de bestiaux soupçonnés d'être infectés de maladie contagieuse, qui n'aura pas averti, sur le champ, le Surintendant de Police du district ou ils se trouvent, ou en

into any garden or enclosure, shall be punished by imprisonment for a term not exceeding one year and by a fine not exceeding 10,000 rupees, without prejudice to any severer punishment, if any wound or accident has ensued.

Any proprietor, farmer or other person having the possession and use of any mill, machinery, or pond, who by raising the overfall of the water above the height fixed by the competent authority, inundates any road, or the property of another person, shall be punished by a fine not exceeding 10,000 rupees.

The burning of any property, belonging to another person, which is caused by the decay or want of repair, or the foul state of any oven, chimney, forge, adjoining house or machinery, or by any fire lighted in a field at a distance of less than 100 toises from any house, building, forest, heath, wood, orchard, plantation, hedge, stack of straw or grain, straw, hay, forage, or any other mass of combustible matter, or by any fire or light carried or left without sufficient precaution, or by any fireworks lighted or let off with negligence or imprudence, shall be punished by a fine not exceeding 10,000 rupees.

ville, le Commissaire de Police, et qui même, avant que le Commissaire de Police ou le Surintendant de Police, du quartier ait répondu à l'avertissement, n'aura pas tenu ces animaux ou bestiaux renfermés, sera

puni d'une amende, qui ne pourra excéder 10,000 rou-pies.

Any person having the possession or charge of any animal or cattle, suspected of being infected with any contagious disorder, who does not give immediate notice thereof to the Commissioner of Police if in Port

Louis, or to the Superintendent of Police of the District where the animal or cattle is, and who, before the Superintendent of Police has replied to such information, does not keep the animal or cattle shut up, shall be punished by a fine not exceeding 10,000 rupees.

[Amended 29/90; 5/99]

### **367 Allowing infected animal to communicate with others**

Seront également punis d'un emprisonnement qui ne pourra excéder 2 mois, et d'une amende qui n'excèdera pas 5,000 roupies, ceux qui, au mépris des défenses de l'autorité, auront laissé leurs animaux ou bestiaux infectés communiquer avec d'autres.

Any person who in defiance of the prohibition given by lawful authority, allows his infected animals or cattle to communicate with others, shall likewise be punished by imprisonment for a term not exceeding 2 months and by a fine not exceeding 5,000 rupees.

[Amended 5/99]

### **368 Permitting contagion of disease**

Si de la communication mentionnée à la section 367, il est résulté une contagion parmi les autres animaux, ceux qui auront contrevenu aux défenses de l'autorité, seront punis d'un emprisonnement qui ne pourra excéder un an, et d'une amende qui n'excèdera pas 5,000 roupies, le tout sans préjudice de l'exécution des lois et règlements relatifs aux maladies epizootiques, et de l'application des peines y portées.

Where from the communication specified in section 367 there ensues contagion among such other animals, those who have contravened the prohibition given by lawful authority, shall be punished by imprisonment for a term not exceeding one year and by a fine not exceeding 5,000 rupees, without prejudice to the execution of any enactment relative to the epidemic diseases of animals, and the application of the penalties there prescribed.

[Amended 5/99]



### **369 Damaging goods and chattels**

Ceux qui hors les cas prévus par les sections 346 à 368, auront volontairement causé du dommage aux propriétés mobilières d'autrui, seront punis d'un emprisonnement qui n'excèdera pas 12 mois et d'une amende qui ne pourra excéder 10,000 roupies.

[Amended 29/90; 5/99]

**369A** [Repealed 22/03]

**369B** [Repealed 22/03]

Any person who, in any case not provided for by sections 346 to 368, causes any wilful damage to the goods and chattels of another person, shall be punished by imprisonment for a term not exceeding 12 months and by a fine not exceeding 10,000 rupees.

## **BOOK IV – CONTRAVENTIONS**

**370-377** –

### **PART I – FIRST CLASS CONTRAVENTIONS**

#### **378 First class contraventions**

Seront punis d'une amende n'excédant pas 1,000 roupies ceux qui –

- (a) auront négligé d'éclairer ou de nettoyer les rues ou passages, dans les lieux où la loi impose cette charge aux habitants;
- (b) auront embarrassé la voie publique, en y déposant ou y laissant des matériaux ou des choses quelconques qui empêchent ou diminuent la liberté ou la sûreté du passage ou auront négligé d'éclairer les matériaux par eux entreposés, ou les excavations par eux faites dans les rues ou places, après en avoir obtenu la permission de la police, ou sans cette permission, auront fait les dites excavations;

A fine not exceeding 1,000 rupees shall be incurred by any person who –

- (a) neglects to light or clean any street or passage in the places where the law imposes this obligation upon the inhabitants;
- (b) obstructs the public way, by depositing or leaving on it any materials or things, which may hinder or diminish the free and safe passage of the same, or neglects to place a light upon the materials which he has heaped up, or upon the excavation which he has made in any street or public place, after having obtained the sanction of the Police, or without such sanction, makes any such excavation;

- (c) auront négligé ou refusé d'exécuter les règlements ou arrêtés concernant la petite voirie, ou d'obéir à la sommation émanée du Commissaire de Police de réparer ou démolir les édifices menaçant ruine;
  - (d) auront établi sur les fenêtres ou balcons, ou ailleurs, des objets dont la chute pourrait nuire aux passants;
  - (e) auront négligé de faire piocher et détruire dans la rue, le long des trottoirs des maisons qu'ils habitent, les herbes, chiendents et autres plantes de toute espèce;
  - (f) auront porté dans les rues du feu, autrement que dans les lanternes ou dans des vases, ou au moyen d'autres précautions propres à prévenir les accidents d'incendie;
  - (g) auront laissé dans les rues, chemins, places, lieux publics ou dans les champs, des pinces, barres, barreaux ou autres machines, ou instruments ou armes dont puissent abuser les malfaiteurs ou les voleurs, ou des pierres ou autres objets pouvant nuire à la circulation sur la voie publique;
  - (h) tiendront sur la voie publique des charrettes ou haquets chargés plus longtemps qu'il n'est nécessaire, ou qui, après les avoir déchargés, laisseront sur la voie publique soit les dites charrettes ou du fourrage, ou tout autre objet en provenant;
  - (i) sans permission de la police, auront dressé des tentes dans les rues et places publiques, et le long des maisons ou bâtiments, ou y auront dressé des cordes ou établi des poteaux;
- (c) neglects or refuses to execute any enactment concerning highways, or to obey any summons issued by the Commissioner of Police to repair or demolish any building threatening to fall;
  - (d) places on a window, balcony or elsewhere, any article, the fall of which may hurt persons passing by;
  - (e) neglects to clear away and destroy in the street, along the footpath of the house in which he dwells, weeds, grass, and other plants of every description;
  - (f) carries fire in the street, except in a lantern or vase, or with such other precautionary means as are calculated to guard against accident by fire;
  - (g) leaves in any street, road, public place, square or field, any crowbar, bar, or other engine, instrument or arms, of which an improper use may be made by malefactors or thieves, or any stone or other article that may impede the free passage of the public way;
  - (h) keeps any loaded cart or dray on the public way, for a longer time than is necessary, or after unloading the same, leaves on the public way such cart, or any forage or other article taken from the cart;
  - (i) without the permission of the Police, erects a tent in a street or public place, or in front of any house or building, or fixes a rope or sets up a stake in any such place;

- |  |   |
|--|---|
| <p>(j) auront établi à leurs maisons des étais ou des entourages empiétant sur la rue, des abavents, des tables pour exposition de marchandises, des trappes de cave ou autres ouvrages propres à obstruer ou à gêner le passage, sauf dans les cas de constructions, réparations ou démolition où les étais, entourages et autres ouvrages sur la voie publique auront été faits avec l'autorisation du Commissaire de Police qui en déterminera le mode et la durée;</p> | <p>(j) sets up against his house any prop or enclosure, encroaching on the street, or any shed, table for the exposure of goods, trap door or other work, calculated to obstruct or impede the passage except in cases of building, repairing or demolishing, where the props, enclosures or other works on the public way have been authorised by the Commissioner of Police who shall determine the manner in which the same shall be made and the time of their removal;</p> |
| <p>(k) n'auront pas assujetti les contrevents et portes de leurs maisons, entourages et dépendances, de manière à ce que les passants ne puissent en être incommodés ni blessés;</p>   | <p>(k) does not fasten the windows, shutters and doors of his house, enclosure or outhouse, in such manner as persons passing by may not be obstructed or hurt by the same;</p>   |
| <p>(l) auront négligé de faire balayer le devant de leurs maisons ou de leurs emplacements, et leurs trottoirs et gondôles, ou de réunir les balayures assez à temps pour être enlevées par les véhicules employés à cet effet;</p>  | <p>(l) neglects to cause the front of his house or premises, and the footpath and drain in front of the same to be swept, and to collect the sweepings together, in sufficient time for removal by the vehicles used for that purpose;</p>  |
| <p>(m) auront jeté dans les rues, ou exposé au devant de leurs maisons, des fumiers, terreaux, décombres et autres objets de nature à ne pouvoir être enlevés par les tombereaux, et à nuire à la commodité et à la salubrité de la voie publique;</p>   | <p>(m) throws in the street or puts in front of his house any dung, earth, rubbish or any other thing not removable by the vehicles and calculated to impede the free passage, or the salubrity of the highway;</p>   |
| <p>(n) imprudemment auront jeté des immondices, de l'eau ou toute autre chose sur quelque personne;</p>  | <p>(n) without due caution, throws filth, water or any other thing on another person;</p>   |
| <p>(o) auront jeté des immondices ou toute autre chose dans les ruisseaux, canaux ou cours d'eau, dans les fontaines, réservoirs publics, ou auprès, ou qui auront lavé ou se seront baignés dans les dits lieux;</p>  | <p>(o) throws filth or any other thing into or near any stream, canal, or running water, fountain or public reservoir, or washes or bathes therein;</p>   |
| <p>(p) auront jeté, fait ou déposé des ordures dans les rues;</p>  | <p>(p) throws, makes, or puts any refuse in the street;</p>   |
| <p>(q) is found drunk and incapable in public place;</p>   | <p>any street, highway, road, square or other</p>   |
| <p>(r) seront vêtus d'une manière contraire à la décence;</p>  | <p>(r) is dressed in an indecent manner;</p>  |
|  | <p>(s) bathes or shows himself in an</p>  |

- (s) se baigneront ou se montre-ront dans un état contraire à la décence, dans les lieux exposés à la vue du public;
  - (t) auront, sans permission, ou d'une manière contraire à la permission obtenue, pratiqué, ou conservé sur les rues, des éviers pour servir d'écoulement aux immondices de leurs cours et emplacements;
  - (u) auront laissé vaguer des animaux autres que des chiens, à eux appartenant;
  - (v) auront jeté dans les rues, places publiques ou carrefours, dans les ports et rivières, ruisseaux, canaux ou fossés, des animaux morts, et ne les auront point fait enterrer dans les endroits indiqués par la police;
  - (w) auront étalé ou fait étaler ailleurs qu'au bazar, des fruits, viandes, légumes, boissons et autres choses à faire vendre au marché public;
  - (x) sans permission, auront vendu ou fait vendre dans les rues, ou ailleurs qu'aux lieux désignés par la permission, des objets de mercerie, quincaillerie, friperie et autres détails;
  - (y) sans autre circonstance prévue par les lois, auront cueilli ou mangé sur le lieu même des fruits appartenant à autrui;
  - (z) auront traversé le terrain d'autrui, ou qui, contre sa permission, entreront sur sa propriété;
  - (za) auront des gardiens qui n'auront pas gardé à vue, ou auront abandonné à eux-mêmes les troupeaux, bœufs ou animaux dont ils avaient la garde;
  - (zb) avant les heures fixées par la police auront fait porter, en traversant les rues et places de la ville, des bannes d'immondices aux lieux indiqués par les
- indecent state, in any place open to public view;
  - (t) without authority, or in any manner contrary to the authority obtained, makes or keeps in the street any drain or sink for the carrying away of the filth coming from his courtyard or premises;
  - (u) allows an animal other than a dog, belonging to him to stray;
  - (v) throws into any street, public place or suburb or into any harbour, river, stream, canal or ditch, any dead animal, or does not cause the same to be buried in the place indicated by the Police;
  - (w) exposes for sale, or causes to be exposed for sale, elsewhere than in the bazaar, fruit, meat, vegetables, drink or any other thing which ought to be sold in the public market place;
  - (x) without permission, sells or causes to be sold in the street, or elsewhere than in the place pointed out by the licence, articles of haberdashery, hardware, second hand clothes, or other such commodities;
  - (y) without any other circumstance provided for by law, gathers or eats on the spot, fruit belonging to another person;
  - (z) passes through ground belonging to another person, or enters upon such ground contrary to the will of the owner;
  - (za) has a keeper thereof who does not keep in sight, the cattle or animals entrusted to his care, or leaves them to stray by themselves;
  - (zb) before the hour fixed by the Police, causes to be carried to the place prescribed, any tub of filth, by traversing any street or public place in the town, or causes the same to be carried elsewhere

règlements, ou les auront fait porter ailleurs qu'aux lieux déterminés par les règlements, déposeront ou jetteront des immondices quelconque dans aucune partie de la ville ou dans son voisinage immédiat, excepté dans les lieux désignés à cet effet par l'autorité compétente.

[Amended 29/90' 19/95; 5/99]

than the place prescribed, and any person who puts or throws any filth in any part of the town, or in its immediate vicinity, except in the places specified for that purpose by the competent authority.

### **379 Forfeiture of object of first class contraventions**

Seront confisqués les instruments et armes, les animaux et les objets de bazar et autres respectivement mentionnés à la section 378 (g), (u), (w) et (x).

The instruments, arms, animals, and bazaar commodities specified in section 378 (g), (u), (w) and (x) shall be forfeited.

### **380 Imprisonment in certain cases**

In the case of an offence against section 378 (q) or (s) imprisonment for a term not exceeding 3 days may be added to the fine.

### **381 Penalty for recidivism**

En cas de récidive, le double de l'emprisonnement pourra être prononcé dans les cas prévus par la section 378 (q) et (s), et le double de l'amende dans tous les cas.

In case of a subsequent conviction for a similar offence, double the term of imprisonment may be pronounced in the cases specified in section 378 (q) and (s), and double the fine in all cases.

## **PART 11 - SECOND CLASS CONTRAVENTIONS**

### **382 Second class contraventions**

Seront punis d'une amende n'excédant pas 2,000 roupies et de l'emprisonnement n'excédant pas 4 jours –

A fine not exceeding 2,000 rupees and imprisonment for a term not exceeding 4 days shall be incurred by –

- (a) les aubergistes, hôteliers et logeurs qui auront négligé d'inscrire sur un registre tenu à cet effet, les noms, qualités et domicile habituel, date d'entrée et de sortie, de toute personne qui aurait couché ou passé une nuit dans leurs maisons, ainsi que ceux qui auraient manqué à représenter ce registre, lorsqu'ils en auraient été requis, au Commissaire de Police ou à tous officiers de ce département, sans préjudice de la responsabilité des crimes ou des délits de ceux qui, ayant logé ou séjourné chez eux, n'auraient pas été régulièrement inscrits;
  - (b) ceux qui, n'étant ni propriétaires ni usufruitiers, ni locataires, ni fermiers, ni jouissant d'un terrain ou d'un droit de passage, ou qui n'étant ni agents, ni préposés d'aucune de ces personnes, seront entrés et auront passé sur ce terrain ou sur partie de ce terrain, s'il est préparé, ensemenché, planté ou chargé d'une récolte quelconque;
  - (c) ceux qui auront fait ou laissé passer leurs troupeaux, bestiaux, bêtes de trait, de charge ou de monture, sur le terrain d'autrui avant l'entier enlèvement des récoltes;
- (a) any keeper of an hotel, inn or lodging house, who neglects to insert in a register kept for that purpose, the name, profession, usual domicile, and date of arrival and departure of every individual who sleeps or passes a night in the inn, hotel or lodging house, and any keeper who fails to produce such register whenever required so to do to the Commissioner of Police or to any other police officer, without prejudice to the responsibility of such keeper for any crime or misdemeanor committed by any person who lodges or sojourns with such keeper, and is not regularly inscribed as before mentioned;
  - (b) any person not being the owner, usufructuary, tenant or renter of, nor having the use nor the right of passage over any land, or who being neither agent of, nor employed by any of these persons, enters and passes over such land, or any portion thereof, if the same had been prepared or planted, or had been sown, or had any crop growing therein;
  - (c) any person who causes or permits his herds, cattle, beasts of burden, of draft, or for riding to pass over the land of another person before the whole of the crop has been cleared away;

- (d) ceux dont les charrettes ne porteront pas à l'extérieur le nom du propriétaire et le numéro donné par la police peints en blanc dans la dimension d'un pouce de hauteur au moins sur un fond noir, et placés sur les deux côtés de la charrette ou qui auront négligé de pourvoir à la conduite des dites charrettes par 2 charretiers à pied, s'il y a plus de 2 bêtes attelées;
  - (e) les charretiers et conducteurs de voitures quelconques ou de bêtes de charge, qui auront négligé de se tenir constamment à portée de leurs chevaux, bêtes de trait ou de charge et de leurs voitures, et en état de les guider et conduire, et de laisser libre au moins la moitié des rues, chausseés, routes et chemins à leur droite;
  - (f) Any rider or a tricycle, to the right one half at
  - (g) ceux qui auront couru le risque de nuire par la rapidité ou la mauvaise direction des voitures ou des animaux;
  - (h) ceux dont les chevaux, ânes, mulets et boeufs ou vaches, moutons ou cabris, seront trouvés dans les rues ou sur les places, sans conducteurs;
  - (i) ceux qui auront laissé vaguer des fous ou des furieux, étant sous leur garde, ou des animaux malfaisants ou féroces, quand il n'en serait résulté aucun mal ni dommage;
- (d) any person whose cart does not bear on the outside the name of the owner, and the number given by the Police painted on a black ground in white letters and figures of one inch in height and placed on both sides of the cart, and also any person who neglects to provide for the driving of such cart by 2 drivers on foot, where there are more than 2 animals to the cart;
  - (e) any driver of a cart, carriage or vehicle, or of any beast of burden who neglects to keep constantly within reach of his horses, draft animals, beasts of burden, carriage or vehicle, so as to be able to lead or drive the same, and to leave free to the right, one half at least of the street, way, road or causeway;
  - bicycle or other cycle who neglects to leave least of the street, way, road or causeway;
  - (g) any person who runs the risk of doing any injury by the rapidity or unskillful management of any carriage, vehicle or animal;
  - (h) any person whose horse, ass, mule, ox, cow, sheep or goat is found in a street or public place without a driver;
  - (i) any person who allows any madman, being under his charge, or any dangerous or ferocious animal, to wander about, even though no harm or injury ensues;

- (j) ceux qui auront établi ou tenu dans les rues, chemins, places ou lieux publics, des jeux de hasard, quelle que soit la nature ou la forme de ces jeux, les bornes ou l'étendue des risques ou des espérances;
  - (k) ceux qui auront vendu ou débité des boissons falsifiées, sans préjudice des peines plus sévères, si elles l'étaient par des mélanges nuisibles à la santé;
  - (l) ceux qui, sans raison valable, auront refusé ou négligé de faire les travaux, le service, ou de prêter les secours, dont ils auront été requis dans les circonstances d'accidents, tumultes, inondations, incendie ou autres calamités, ainsi que dans les cas de brigandage, rassemblement illégal, pillage, flagrant délit, clameur publique, ou d'exécution judiciaire;
  - (m) ceux qui se trouveront dans les cas prévus par les sections 203 et 207;
  - (n) ceux qui auront affiché, vendu ou distribué des dessins ou gravures contraires aux principes de la morale, sans préjudice des poursuites à exercer contre les auteurs de tels dessins ou gravures;
  - (o) ceux qui exposeront en vente des comestibles gâtés, corrompus, ou nuisibles;
  - (p) ceux qui dresseront des chevaux ou mulets de voiture ou de main dans les rues ou places de la ville à quelque heure que ce soit, ou au Champ-de-Mars, avant 8 am et après 4 pm;
  - (q) ceux qui monteront ou conduiront dans les rues, des chevaux ou mules, sans bride;
  - (r) ceux qui auront fait conduire ou auront fait paître des bestiaux dans les rues ou dans l'enceinte de la ville, ou qui leur
- (j) any person who establishes or keeps in a street, road, public place or square, any game of chance, whatever may be the nature or description of the same, as well as the limits or extent of the risk or chance which may be run;
  - (k) any person who sells or retails any adulterated liquor without prejudice to any severer punishment, where the ingredients employed are prejudicial to health;
  - (l) any person who without lawful excuse refuses or neglects to perform any labour or service, or to lend the assistance which is required of him, in case of any accident, tumult, inundation, fire, or other calamity, as also in case of any robbery, illegal meeting, plundering, flagrant offence, hue and cry, or judicial execution;
  - (m) any person coming within sections 203 and 207;
  - (n) any person who sticks up, sells or distributes any drawing or engraving contrary to the principles of morality, without prejudice to the prosecution to be instituted against the author of such drawing or engraving;
  - (o) any person who exposes for sale any eatable, if the same is spoiled, tainted or hurtful;
  - (p) any person who breaks in any horse or mule, either for saddle or harness, in any street or public place in town at any hour, or in the Champ-de-Mars before 8 am or after 4 pm;
  - (q) any person who rides or leads in the street a horse or mule without a bridle;
  - (r) any person who sends cattle, or causes the same to be taken for pasture into any street or within the precincts of the town or causes the same to go



auront fait traverser la ville à d'autres heures que celles qui leur auront été indiquées par la police.

[Amended 29/90; 5/99]

through the town at any other hours than those notified by the Police.

**383-**

**384 Forfeiture of object of second class contraventions**

Seront saisis et confisqués –

- (a) les tables, instruments, appareils de jeux, établis dans les rues, chemins et voies publiques, ainsi que les enjeux, les fonds ou autres objets proposés aux joueurs dans le cas de la section 382 (j);
- (b) les boissons falsifiées, trouvées appartenir au vendeur ou débitant.

The following shall be seized and forfeited –

- (a) any table, instrument or article used for gambling in a street, road or public way, as well as any stake funds or other articles offered to the players as specified in section 382(j);
- (b) any adulterated liquor found to belong to the seller or retailer.

**PART III - THIRD CLASS CONTRAVENTIONS**

**385 Third class contraventions**

Seront punis d'une amende n'excédant pas 3,000 roupies et de l'emprisonnement n'excédant pas 10 jours –

- (a) ceux qui auront négligé d'entretenir, réparer ou nettoyer les fours, cheminées ou usines où l'on fait usage du feu;
- (b) ceux qui auront tiré des pièces d'artifice dans les villes, bourgs, ou villages, chemins publics, ou dans leur voisinage, sans la permission de la police;
- (c) ceux qui auront fait du feu dans toute maison, appentis ou case, qui n'aura pas d'âtre ou de cheminée pour le recevoir;

A fine not exceeding 3,000 rupees and imprisonment for a term not exceeding 10 days shall be incurred by –

- (a) any person who neglects to keep in good order, to repair or to clean any oven, chimney or place in which fire is used;
- (b) any person who lets off fireworks in any town, borough, village, public road, or in the vicinity thereof, without the permission of the Police;
- (c) any person who makes a fire in any house, outhouse, or hut in which there is no hearth or chimney to receive it;

- (d) ceux qui auront maraudé du bois ou des fruits à autrui, à dos d'homme ou à dos d'une bête de charge, ou auront pris dans les champs des grains ou autres productions de la terre;

- (d) any person who plunders wood or fruit belonging to another person and carries off the same, whether on the back of a man or of a beast of burden, or takes grain or other produce of the ground from any field;

- (e) les voleurs de volailles ou de pigeons, si la plainte n'a pas

- (e) any person who steals any fowl or pigeon, where no complaint

- été portée devant la police correctionnelle;
- (f) ceux qui auront pris ou enlevé des terres, pierres ou pierrailles, ou gazons, soit dans les voies ou chemins, soit sur les terres de l'Etat, soit sur le terrain d'autrui;
- (g) any person who, without the permission of the Municipal Council in the towns of Port Louis, Beau Bassin-Rose Hill, Quatre Bornes, Curepipe and Vacoas-Phoenix or of a Superintendent of Police in any other place, lights a fire in any street or public place, or in any suburb or yard, or in any field, at a distance of less than 50 metres from any house, building, orchard, plantation, stack of hay, heap of grain, straw, forage, or other combustible materials, even though no accident ensues;
- (h) les hôteliers, aubergistes ou logeurs qui auraient inscrit sur leurs registres les personnes qui ont logé ou passé une nuit chez eux, sous des noms supposés ou de fausses qualifications, sans préjudice de leur responsabilité;
- (i) les aubergistes, traiteurs et cafetiers qui auront donné à boire ou à jouer à des militaires, et les cafetiers qui, après minuit auront du monde chez eux, ou auront donné à jouer à qui que ce soit;
- (j) ceux qui auront occasionné la mort ou la blessure des animaux ou bestiaux appartenant à autrui, par l'effet de la divagation de fous ou furieux, ou d'animaux malfaisants ou féroces, ou par la rapidité ou la mauvaise direction, ou le chargement excessif des voitures, chevaux, bêtes de trait, de charge ou de monture;
- (k) ceux qui auront occasionné les mêmes dommages par l'emploi ou l'usage d'armes, sans précaution ou avec maladresse, ou par jet de pierres ou d'autres corps durs;
- (l) ceux qui auront causé les mêmes accidents par la vétusté, la dégradation, le défaut de réparation ou d'entretien des maisons ou édifices, ou par l'encom-
- is brought before the Police;
- (f) any person who takes or carries away any earth, stone, gravel, or turf, whether from a highway or road, or from ground belonging to the Government, or from land belonging to another person;
- (g) any person who, without the permission of the Municipal Council in the towns of Port Louis, Beau Bassin-Rose Hill, Quatre Bornes, Curepipe and Vacoas-Phoenix or of a Superintendent of Police in any other place, lights a fire in any street or public place, or in any suburb or yard, or in any field, at a distance of less than 50 metres from any house, building, orchard, plantation, stack of hay, heap of grain, straw, forage, or other combustible materials, even though no accident ensues;
- (h) any keeper of an hotel, inn or lodging house, who inscribes in his register, under a fictitious name or description any person who lodged or passed a night in such hotel, inn or lodging house without prejudice to the responsibility of such keeper;
- (i) any keeper of an inn, eating-house, or coffee house who furnishes any soldiers with drink or the means of gambling, and any keeper of a coffee house who after midnight has any customer in such coffee house, or permits gambling there;
- (j) any person who causes the death or wounding of any animal or cattle belonging to another person, by the wandering about of any madman, or of any dangerous or ferocious animal, or by the rapidity, unskillful management, or the overloading of any carriage or vehicle, horse, draft animal, beast of burden, or animal for riding;
- (k) any person who causes the like injury by using or employing arms without proper caution or skill, or by throwing any stone or other hard substance;
- (l) any person who causes the like accident by the old age, state of decay, want of repair or proper keeping up of any house or building, or by the heaping up of materials, or

brement ou l'excavation ou telles autres oeuvres, dans ou près les rues, chemins, places ou voies publiques, sans les précautions or-donnés ou d'usage;

(m) des gens qui font le métier de deviner et pronostiquer, ou d'expliquer les songes;

(n) ceux qui auront préparé ou exposé en vente de la viande de boucherie provenant d'animaux malsains ou non propres à la boucherie;

(o) ceux qui auront distribué ou débité des recettes, drogues, médicaments, compositions ou secrets pour la guérison de maladies, infirmités ou blessures, sans en avoir obtenu les autorisations nécessaires, sans prejudice des peines à prononcer en cas d'accidents survenus par l'effet de l'usage de ces compositions ou recettes;

(p) ceux qui auront de faux poids ou de fausses mesures dans leurs magasins, bou-tiques, ateliers ou maisons de commerce, ou dans les marchés ou bazars; sans préjudice des peines correctionnelles contre ceux qui auraient fait usage de ces faux poids ou de ces fausses mesures;

(q) ceux qui emploieront des poids ou des mesures différents de ceux qui sont établis par les lois en vigueur;

(r) any person who disturbs the public peace by behaving in a disorderly manner;

(s) any person who at night wantonly blows a whistle, or uses any other instrument, emitting or producing a sound similar to the sound of the police alarm whistle.

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making an excavation or any similar work in or near any street, road, public place or way, or without due or usual precaution;

(m) any person who follows the trade of a diviner, fortune-teller, or interpreter of dreams;

(n) any person who prepares or exposes for sale the flesh of any animal, which is unheal-thy or unfit to be killed for butcher's meat;

(o) any person who distributes or sells any prescription, drug, medicine, composition, or recipe, for the cure of any disease, infirmity, or wound, unless he has first obtained the requisite authority for that purpose, without prejudice to the penalties which may be awarded, if any accident ensues from the effect of using such composition or recipe;

(p) any person who has any false weight or measure in his storehouse, shop, manufac-tory, or counting house, or in the market or bazaar, without prejudice to punishments against those who have made use of such false weight or measure;

(q) any person who makes use of any weight or measure dif-ferent from those established by the laws in force;

- (a) les faux poids et les fausses mesures, ainsi que les poids et les mesures différents de ceux que la loi a établis;
  - (b) les instruments, ustensiles ou autres objets servant ou destinés à l'exercice du métier de devin, pronostiqueur ou interprète de songes;
  - (c) les drogues, médicaments, compositions, appareils et ustensiles de charlatans ou débitants sans autorisation;
  - (d) les viandes mentionnés à la section 385(n) qui seront en outre détruites.
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- (a) the false weights and measures, as well as the weights and measures differing from those established by law;
  - (b) the instruments, utensils, or other articles used or intended to be used for exercising the trade of a diviner, fortune teller, or interpreter of dreams;
  - (c) the drugs, medicines, compositions, apparatus and utensils of any quack or other vendor not duly licensed;
  - (d) the meat described in section 385(n) which shall also be destroyed.