

Zahirul Huq's  
**Penal Code**

**Thoroughly Revised & Enlarged**

Under the honorary Chief Editorial guidance of

**Syed Lutfor Rahman Soiloor**

*Advocate: The Supreme Court of Bangladesh*

*Honorary Chairman: Soiloor Academy*

**And**

**A Panel of Editors and Compilers**

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**Zahirul Huq's  
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*Revised by*  
**Syed Lutfor Rahman Soiloor  
&  
Others**

**Fifth Edition 2005  
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*Dedicated*  
to  
*The Loving Memory*  
of  
*My Wife*  
*Late Alhaja Ayesha Huq*  
*Who died on 3 March 1998*  
—Zahirul Huq

*"To my late mother Maimuna Khatun who died on 10 November 1989 and father Alhaj Nazir Ahmed Chowdhury, but for whom neither the author nor this book would [have] come out to what they are [now] and at their feet do I most humbly lay myself to seek their blessings on the publication of this book which is designed to make smooth the path of justice, fair play and equity. On this occasion I do also remember with solemn gratitude the graceful patronage extended to my career by my late father-in-law Alhaj M. H. Saidur Rahman Waresy. May Almighty Allah rest the souls of my mother, father and father-in-law in peace".*

— Zahirul Huq

## Abbreviations of Law Journals and Reports and of Sources of References

### Bangladesh :

DLR = Dhaka Law Reports  
DLR Digests and References  
BLD = Bangladesh Legal Decisions  
BLD Digests  
MLR = Mainstream Law Reports  
MLR Digests  
BLC = Bangladesh Law Chronicles  
BCR = Bangladesh Case Reports  
BSCR = Bangladesh Supreme Court Reports  
BSCD = Bangladesh Supreme Court Digest  
BLT = Bangladesh Law Times

### Pakistan :

PLD = Pakistan Legal Decisions  
PCrLJ = Pakistan Criminal Law Journal

### Indian and other :

A. I. R. = All India Reporter.  
AIR Digests, Manuals  
A. I. R. (N.O.C.) = All India Reporter (Notes of Cases).  
A. I. R. (N.S.C.) = All India Reporter (Notes of Supreme Court Cases.)  
Agra H. C. R. = Agra High Court Reports.  
A. I. T. C. = All India Tribunal Cases.  
All. Cr. C. = Allahabad Criminal Cases.  
All. Cr. L. J. = Allahabad Criminal Law Journal.  
All. Cr. R. = Allahabad Criminal Reports.  
All. Cr. Rul. = Allahabad Criminal Rulings.  
All. L. J. = Allahabad Law Journal, (Published by A. I. R.)  
All. L. J. (N.O.C.) = Allahabad Law Journal (Notes of Cases).  
All. L. R. = Allahabad Law Reports.  
All. L. T. = Allahabad Law Times.  
All. W. C. = Allahabad Weekly Cases.  
All. W. N. = Allahabad Weekly Notes.

All. W. R. = Allahabad Weekly Reporter.  
I. L. R. Andhra = Indian Law Reports, Andhra.  
A. P. L. J. = Allahabad Pradesh Law Journal.  
Andh. L. T. = Andhra Law Times.  
Andhra W. R. = Andhra Weekly Reporter.  
I. L. R. Assam = Indian Law Reports, Assam.  
Assam L. R. = Assam Law Reports.  
Beng. L. R. = Bengal Law Reports.  
B. B. C. J. = Bihar Bar Council Journal.  
Bihar Cri. C. = Bihar Criminal Cases.  
B. L. J. or Bihar L. J. = Bihar Law Judgments.  
B. L. J. or Bihar L. J. R. = Bihar Law Journal Reports.  
B. L. T. (Rep.) or Bihar L. T. (Rep.) = Bihar Law Times (Reports).  
B. R. = Bihar Reports.  
Bom. or I. L. R. Bom. Indian Law Reports, Bombay.  
Bom. C. R. = Bombay Cases Reporter.  
B. H. C. R. or Bom. H. C. R. = Bombay High Court Reports.  
Bom. L. R. = Bombay Law Reporter.  
Bom. P. J. = Bombay Printed Judgments.  
Bur. L. J. = Burma Law Journal.  
Bur. L. R. = Burma Law Reports.  
Bur. L. T. = Burma Law Times.  
Cal. or I. L. R. Cal. = Indian Law Reports, Calcutta.  
Cal. H. N. or Cal. H. C. N. = Calcutta High Court Notes.  
Cal. L. J. = Calcutta Law Journal.  
Cal. L. R. = Calcutta Law Reports.  
CWN or Cal. W. N. = Calcutta Weekly Notes.  
Cal. W. N. (D. R.) = Calcutta Weekly Notes (Dacca Reports).  
Chand. Cri. C. = Chandigarh Criminal Cases.  
Chand. L. R. = Chandigarh Law Reporter.  
Chand. L. R. (Cri.) = Chandigarh Law Reports (Criminal).  
Crimes = Crimes.

- Cri. App. Rep. (S. C.) = Criminal Appeals Reporter (Supreme Court).
- Cr. L. C. = Criminal Law Cases.
- Cr. or Cri. L. J. = Criminal Law Journal. (Published by A. I. R.)
- Cri. L. J. (N. O. C.) = Criminal Law Journal. (Notes of Cases).
- Cri. L. R. = Criminal Law Reporter.
- Cri. L. R. = Criminal Law Reports.
- Cri. L. R. = Criminal Law Reports.
- Cri. L. T. = Criminal Law Times (Punj).
- Cur. L. J. = Current Law Journal.
- Cur. L. J. (Cri.) = Current Law Journal (Criminal).
- I. L. R. Cut. = Indian Law Reports, Cuttack.
- Cut. L. R. (Cri.) = Cuttack Law Reports, (Criminal).
- Cut. L. T. = Cuttack Law Times.
- Cut. W. R. = Cuttack Weekly Reports.
- I. L. R. Delhi = Indian Law Reports, Delhi.
- D. L. T. = Delhi Law Times.
- D. R. J. or Delhi Rep. J. = Delhi Reported Judgments.
- I. L. R. E. P. or East Punj. = Indian Law Reports, East Punjab.
- East L. R. = Eastern Law Reporter.
- F. L. J. = Federal Law Journal.
- F. C. R. = Federal Court Reports.
- I. L. R. Guj. = Indian Law Reports, Gujarat.
- Guj. Cri. R. = Gujarat Criminal Reporter.
- Guj. H. C. R. = Gujarat High Court Reporter.
- Guj. L. H. = Gujarat Law Herald.
- Guj. L. R. = Gujarat Law Reporter.
- H. P. or I. L. R. Him. Pra. = Indian Law Reports, Himachal Pradesh.
- Hindu L. R. = Hindu Law Reporter.
- Hyd. or I. L. R. Hyd. = Indian Law Reports, Hyderabad.
- Ind. App. = Law Reports, Indian Appeals.
- Ind. Cas. = Indian Cases.
- I. J. R. = Indian Judgment Reporter.
- Ind. J. = Indian Jurist.
- Ind. R. = Indian Rulings.
- Jab. L. J. = Jabalpur Law Journal.
- J. & K. = Jammu and Kashmir.
- J. & K. L. R. = Jammu and Kashmir Law Reports.
- J. L. R. or Jaipur L. R. = Jaipur Law Reports.
- I. L. R. Karachi = Indian Law Reports, Karachi.
- I. L. R. Kant. = Indian Law Reports, Karnataka.
- Kant. L. J. = Karnataka Law Journal.
- Kash. L. J. = Kashmir Law Journal.
- I. L. R. Ker. = Indian Law Reports, Kerala.
- K. H. C. N. = Kerala High Court Notes.
- Ker. L. J. = Kerala Law Journal.
- Ker. L. R. = Kerala Law Reports.
- K. L. T. or Ker. L. T. = Kerala Law Times.
- I. L. R. Lahore = Indian Law Reports, Lahore.
- L. R. = Law Reporter (All).
- Law. Rep. = Law Reports (Mys).
- L. S. (A. P.) = Law Summary (Andhra Pradesh).
- Lawyers = Lawyers.
- Legal Surv. = Legal Surveyor.
- Low. Bur. R. = Lower Burma Rulings.
- I. L. R. Luck. = Indian Law Reports, Lucknow.
- Luck. L. J. = Lucknow Law Journal.
- Luck. L. T. = Lucknow Law Times.
- Madh. B. or M. B. = Madhya Bharat.
- I. L. R. Madh. B. = Indian Law Reports, Madhya Bharat.
- Madh. B. L. J. = Madhya Bharat Law Journal.
- Madh. B. L. R. = Madhya Bharat Law Reporter.
- I. L. R. M. P. = Indian Law Reports, Madhya Pradesh.
- M. P. C. = Madhya Pradesh Cases.
- M. P. L. J. = Madhya Pradesh Law Journal.
- Mp. P. L. T. = Madhya Pradesh Law Times.
- Mp. P. R. C. J. = Madhya Pradesh Rent Control Journal.
- M. P. W. R. = Madhya Pradesh Weekly Reporter.
- I. L. R. Mad. = Indian Law Reports, Madras.
- Mad. H. C. H. = Madras High Court Reports.
- Mad. L. J. = Madras Law Journal.
- Mad. L. J. (Cri.) = Madras Law Journal (Criminal).
- Mad. W. N. = Madras Weekly Notes.
- Mah. Cri. R. = Maharashtra Criminal Reporter.
- Mah. L. J. = Maharashtra Law Journal.
- Mah. L. R. = (Brihan) Maharashtra Law Reporter.
- Marr L. J. = Marriage Law Journal.
- M. L. R. or Marwar L. R. = Marwar Law Reporter.
- Moo. Ind. App. = Moore's Indian Appeals.

Moo. P. C. C. = Moore's Privy Council Cases.  
 I. L. R. Mys. = Indian Law Reports Mysore.  
 Mys. C. C. R. = Mysore Chief Court Reporter.  
 Mys. H. C. R. = Mysore High Court Reports.  
 Mys. L. J. = Mysore Law Journal.  
 Mys. L. R. = Mysore Law Reports.  
 I. L. R. Nag = Indian Law Reports Nagpur.  
 Nag. L. Jour. = Nagpur Law Journal.  
 Nag. L. R. = Nagpur Law Reports.  
 N. W. P. H. C. R. = North West Provinces High Court Reports.  
 O. J. D. = Orissa Judicial Decisions.  
 Oudh. Cas. = Oudh Cases.  
 Oudh L. A. = Oudh Law Journal.  
 Oudh I. R. = Oudh Law Reports.  
 Oudh S. C. = Oudh Select Cases.  
 Oudh W. N. = Oudh Weekly Notes.  
 I. L. R. Patiala = Indian Law Reports, Patiala.  
 I. L. R. Pat. = Indian Law Reports, Patna.  
 Pat. H. C. C. = Patna High Court Cases.  
 Pat. L. J. = Patna Law Journal.  
 P. L. J. R. or Pat. L. J. R. = Patna Law Journal Reports.  
 Pat. L. R. = Patna Law Reporter.  
 Pat. L. Tim = Patna Law Times.  
 Pat. L. W. Patna Law Weekly.  
 Pat. W. N. = Patna Weekly Notes.  
 Pepsu L. R. = Pepsu Law Reports.  
 I. L. R. Punj. = Indian Law Reports, Punjab.  
 P. L. J. or Pun. L. J. = Punjab Law Journal.  
 Pun. L. J. (Cri.) = Punjab Law Journal (Criminal).  
 Pun. L. R. = Punjab Law Reporter (Delhi).  
 Pun. Re. = Punjab Records.  
 Pun. W. R. = Punjab Weekly Reporter.  
 I. L. R. Raj. = Indian Law Reports, Rajasthan.  
 Raj. Cri. C. = Rajasthan Criminal Cases.  
 Raj. L. R. = Rajasthan Law Reporter.  
 Rajdhani L. R. = Rajdhani Law Reporter.  
 R. L. W. or Raj. L. W. = Rajasthan Law Weekly.  
 Ranj. or I. L. R. Rang. = Indian Law Reports, Rangoon.  
 Rang L. R. = Rangoon Law Reports.  
 Rat. Un. Cr. C. = Ratanlal's Unreported Criminal Cases.

Recent Cri. R. = Recent Criminal Reports.  
 Recent Laws = Recent Laws.  
 Ren. Cas. = Rent Cases.  
 Ren. C. J. = Rent Control Journal.  
 Ren. C. R. = Rent Control Reports.  
 Rent L. R. = Rent Law Reporter.  
 R. D. = Revenue Decisions.  
 Rev. L. R. = Revenue Law Reports.  
 R. R. or Rev. Rul. = Revenue Rulings.  
 S. T. Ad. = Sales Tax Advices.  
 S. T. A. = Sales Tax Affairs.  
 S. T. C. = Sales Tax Cases. (Mad.)  
 S. T. D. = Sales Tax Tribunal Decisions.  
 S. T. I. = Sales Tax Interpretations.  
 S. T. L. = Sales Tax Literature.  
 S. T. R. = Sales Tax Rulings.  
 Sar. = Saraswati' Privy Council Judgments.  
 Sau. L. R. = Saurashtra Law Reporter.  
 Serv. L. C. = Services Law Cases.  
 Serv. L. J. = Service Law Journal.  
 Serv. L. R. = Services Law Reporter.  
 S. L. W. R. = Service Law Weekly Reporter.  
 Shome L. R. = Shome's Law Reports.  
 Sikkim L. J. = Sikkim Law Journal.  
 Sim. L. C. = Simla Law Cases.  
 Sim. L. J. = Simla Law Journal.  
 Sind L. R. = Sind Law Reporter.  
 Sri. L. J. or Srinagar L. J. = Srinagar Law Journal.  
 S. C. A. = Supreme Court Appeals.  
 S. C. C. = Supreme Court Cases.  
 S. C. C. (Cri.) = Supreme Court Cases (Criminal).  
 S. C. C. (Lab.) = Supreme Court Cases (Labour).  
 S. C. C. (Tax.) = Supreme Court Cases (Taxation).  
 S. C. Cr. R. = Supreme Court Criminal Rulings.  
 S. C. D. = Supreme Court Decisions.  
 S. C. J. = Supreme Court Journal.  
 S. C. N. or S. C. Notes = Supreme Court Notes.  
 S. C. R. = Supreme Court Reports.  
 S. C. S. T. J. = Supreme Court Sales Tax Judgments.  
 S. C. W. R. = Supreme Court Weekly Reporter.  
 Suther = Sutherland's Privy Council Judgments.  
 Suth. W. R. = Sutherland's Weekly Reporter.  
 T. L. N. J. = Tamilnadu Law Notes Journal.

- Tax = Taxation.**
- Tax Affairs = Tax Affairs.**
- Tax B. R. = Tax Bar Reporter.**
- T. L. R. or Tax. L. R. = Taxation Law Reports**  
(Published by A. I. R.)
- T. L. R. or Tax Law Rev. = Tax Review.**
- Taxmann = Taxmann.**
- Tax Rep. = Tax Reporter.**
- T. T. J. = Tax Tribunal Judgment.**
- T. A. C. = (All India) Transport and Accidents**  
Cases.
- I. L. R. Rrav-Co. or T. C. = Indian Law Reports,**  
Travancore-Cochin Series.
- T. C. L. R. or Trav-Co. L. R. = Travancore-Cochin**  
Law Reports.
- T. L. J. or Trav. L. J. = Travancore Law Journal.**
- U. C. R. (Bom.) = Unreported Cases Reporter**  
(Bombay).
- U. J. (SC) = Unreported Judgments (Supreme Court).**
- Upp. Bur. Rul. = Upper Burma Rulings.**
- U. P. Cri. C. = Uttar Pradesh Criminal Cases.**
- U. P. Cri. L. C. = U. P. Criminal Law Cases.**
- U. P. Cri. Rul. = U. P. Criminal Ruling.**
- U. P. L. B. E. C. = Uttar Pradesh Local Bodies &**  
Educational Cases.
- U. P. L. R. = Uttar Pradesh Law Reports.**
- U. P. L. I. = Uttar Pradesh Law Tribune (Published**  
by A. I. R.)
- U. P. L. T. (N. O. C.) = Uttar Pradesh Law Tribune**  
(Notes of Cases) (Published by A. I. R.)
- U. P. R. C. C. = Uttar Pradesh Rent Control Cases.**
- U. P. S. T. J. = Uttar Pradesh Sales Tax Journal.**
- U. P. T. C. = Uttar Pradesh Tax Cases.**
- Vind Pra. or V. P. = Vindhya Pradesh.**
- Weir = Weir's Criminal Rulings.**
- W. L. N. = Weekly Law Notes. (Rajasthan)**
- W. L. N. (U. C.) = Weekly Law Notes (Unreported**  
Cases) (Rajasthan).

**Note.—In references to Indian Law Reports (=ILR), we omitted its abbreviation 'ILR' designed to be at the beginning of the citations, e.g. '52 All 203', instead of 'ILR 52 All 203'.**



## Preface to the Fifth Revised and Enlarged Edition

It is really a matter of great pleasure and satisfaction on my part to have edited the Fifth Edition of late Zahirul Huq's Penal Code. Both in the past and in the present, it was and it is the only book on Penal Code in Bangladesh that deserved and still deserves the kind appreciation of the lawyers, law teachers, law students, members of the police and honorable members of the judiciary equally.

The revising editors have tried their best to gather, collect and make full use of all the important cases and materials at home and abroad in order to enrich the penal law in Bangladesh.

We have drawn the foreign case references from the publications on penal law done especially by the Pakistan Legal Decisions (PLD), the All India Reporter (AIR), the Eastern Book Company (EBC), the Law Publishers (LP), the Bharat Law House (BLH), the Orient Law House (OLH), etc. Like other reference book authors, we don't claim that our book on penal law is one of originality. Some readers are by mistake used to thinking that authors, compilers or editors of reference books write them as originals from their creativity or ingenuity, or from memory.

The clear references, proper headings, topical divisions, chapter introductions, amendment references with footnotes, case law synopses, presentation of amending statutes in detail and so on which were not before in earlier editions are all new additions to this Book and shall be of immense help to the Bar and the Bench, to the law faculties and the law chambers, and to the readers at large.

Our aim was to provide our readers with the maximum cases and materials editorially well laid out in the minimum space. In order to do that we have had to change the whole gamut and presentation e.g. format, make-up, get-up and everything in the original book into new ones. By the very look of it, one must find that Zahirul Huq's book is no more there and it is as if a new book on penal law in Bangladesh.

Occasionally case references might have been repeatedly presented in order that in one way or the other, the reader might come across them.

The revising editors could not revise and edit some of the doubtful materials, if they are so at all, given by the late author, because the materials could not be ascertained on query in his absence.

As to the herculean and strenuous task of proofreading of this book, good or bad, credit goes to the labour of Mowlana Mohammad Khaled.

The revising editors and their assistants of this edition have done their best in revising it minutely and enlarging it reasonably. In spite of great care and caution, sometimes errors and omissions manage to creep in. Our patrons will kindly bear with us for any discrepancy, if found, and they will be really placing us under deep debt of gratitude if such errors, omissions or discrepancies are kindly brought to our notice so that they may be suitably dealt with in future editions.

Last but not least, one thing we want to make clear to our readers and make them aware of: The Code was made and promulgated through gazette notification in 1860. It was an event about one hundred and fifty years ago. Since then till 1947, hundreds of government editions of the bare Code had been published which are not easily available now. After the partition of the Subcontinent in 1947, the Government of Pakistan published several official editions of the Code which Bangladesh has inherited as if it were the original Code of 1860, mutatis mutandis. But we now see that there are some differences or discrepancies among the government or official or authorized or authentic texts of the Code of Bangladesh, India and Pakistan, apart from the respective amendments, due to either the printing mistakes or the other. May be they are clerical errors. We have tried to make some of them what they should be, wherever possible, of our own accord and to point out the others.

**Syed Lutfor Rahman *Soiloor***  
Revising Chief Editor (*Honorary*)  
July 2005

# The Penal Code

(Act No. XLV of 1860)\*

[6 October 1860]

## A. Preliminary Notes

1. The text of the Code printed here is as in June 2005.
2. The case law, especially Bangladesh case law, on the Code presented under the respective sections is as in 2004
3. The Act presented here has throughout been updated by the following amending statutes :

(A) During the British period (1860-1947), the Code was amended by the Acts numbered : 6 of 1861, 27 of 1870, 19 of 1872, 10 of 1873, 8 of 1882, 10 of 1886, 14 of 1887, 18 of 1887, 1 of 1889, 4 of 1889, 13 of 1889, 9 of 1890, 10 of 1891, 12 of 1891, 3 of 1894, 3 of 1895, 6 of 1896, 4 of 1898, 12 of 1899, 3 of 1910, 8 of 1913, 39 of 1920, 16 of 1921, 20 of 1923, 5 of 1924, 18 of 1924, 8 of 1925, 29 of 1925, 10 of 1927, 25 of 1927, 8 of 1930, 14 of 1932, 35 of 1934, 22 of 1939, 4 of 1940, 2 of 1941, 8 of 1942 and 6 of 1943.

(B) During the Pakistan period (1947-1971), the Code was amended by the Acts or Ordinances mentioned below :

- (1) The Adaptation of Central Acts and Ordinances Order, 1947 (G.G.O. No. 4 of 1949=A.O., 1949).
- (2) The Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (2 of 1950).
- (3) The Penal Code (Amendment) Act, 1950 (71 of 1950).
- (4) The Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951).
- (5) The Criminal Law Amendment Act, 1953 (37 of 1953).
- (6) The Criminal Laws Amendment Act, 1958 (34 of 1958).
- (7) The Penal Code (Amendment) Act, 1958 (36 of 1958).
- (8) The Criminal Law Amendment Ordinance, 1958 (8 of 1958).
- (9) The Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960).
- (10) The Central Laws (Adaptation) Order, 1961 (P.O. 1 of 1961 = A.O., 1961).
- (11) The Penal Code (Amendment) Ordinance, 1962 (59 of 1962).
- (12) The Penal Code (Second Amendment) Ordinance, 1962 (70 of 1962).
- (13) The Penal Code (Third Amendment) Ordinance, 1962 (76 of 1962).
- (14) The Penal Code (Amendment) Act, 1965 (20 of 1965).

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\* The Penal Code has been declared in force in the Chittagong Hill-Tracts by the Chittagong Hill-Tracts Regulations, 1900 (I of 1900), s. 4 and Sch.

Offences punishable under sections 121, 121A, 122, 123A, 124A, 125, 131, 164, 192, 194, 195, 197 and 198 of the Code shall be triable exclusively by Special Tribunal constituted under sub-section (2) of section 26 of the Special Powers Act, 1974 (Act No. XIV of 1974), Sch.