

to mistake of law, a person is not guilty of stealing or of abduction of another person by anything which he does in the belief that he is entitled by law as a parent, guardian, or by virtue of any other legal right, to take or detain the other person for the purposes for which he takes or detains him:

Provided that this rule shall not be construed to exempt a person from liability to punishment-

- (a) on the plea that he did not know or believe, or had not the means of knowing that the age of the other person was under twelve or sixteen years, as the case may be; or
- (b) for stealing or abduction if he took or detained the other person for any immoral purpose.

### TITLE VIII

#### Criminal Harm to the Person

- Intentional harm. 79. Every person who intentionally and unlawfully causes harm to a person shall be liable to imprisonment for one year.
- Wounding. 80. Every person who intentionally and unlawfully causes a wound to a person shall be liable to imprisonment for two years.
- Grievous harm. 81. Every person who intentionally and unlawfully causes grievous harm to a person shall be liable to imprisonment for five years.
- Maim and dangerous harm. 82. Every person who intentionally and unlawfully causes a maim or any dangerous harm to a person shall be liable to imprisonment for twenty years.
- Use of deadly means of harm. 83. Every person who uses a sword, dagger, bayonet, firearm, poison or any explosive, corrosive, deadly or destructive means or instrument, shall-

- (a) if he does so with intent unlawfully to cause harm to a person, be liable to imprisonment for five years; or
- (b) if he does so with intent unlawfully to wound or cause grievous harm to a person, be liable to imprisonment for ten years; or
- (c) if he does so with intent to maim or to cause dangerous harm to a person, be liable to imprisonment for twenty years.

84. Every person who unlawfully and knowingly administers any noxious matter to a person shall be liable to imprisonment for two years. Administering noxious matter.

85. Every person who commits any of the offences mentioned in sections 79 to 84 of this Title, with intent to facilitate the commission of any crime by himself or by any other person or with intent to hinder the arrest or detention of himself or of any other person for any crime, or with intent to hinder the discovery of any crime, or with intent to enable himself or any other person to escape from legal custody, whether for a crime or for any other cause, shall-

- (a) if such crime be a felony, be liable to imprisonment for a term which may exceed by seven years the term for which he is otherwise liable to such imprisonment; or
- (b) in any other case, be liable to imprisonment for a term which may exceed by five years the term for which he is otherwise liable to such imprisonment.

86. Every person who, with either of the intents mentioned in section 85, and by means of choking, suffocating or strangling, or by any other violence, or by means of any stupefying or overpowering drug, gas or other matter, renders or attempts to render a person unconscious or insensible or Garrotting, etc.

having caused harm to another person, on the ground that the other person by his own trespass, negligence, act or omission, contributed to the causing of the harm.

Surgical or medical treatment.

103. Where a person in good faith, for the purposes of surgical or medical treatment, voluntarily causes harm to another person which, in the exercise of reasonable skill and precaution according to the circumstances of the case, he ought to have known to be plainly improper, he shall be liable to punishment as if he had caused such harm negligently within the meaning of this Code, and not otherwise.

Hindering the saving of life.

104. If a person intentionally hinders any other person from a wrecked vessel, or from lawfully protecting himself or any other person against harm in any case, he shall be deemed to have intentionally caused any harm which happens to such other person by reason of his being so hindered.

Poison explained.

105. For the purpose of this Code expressions referring to poison, or to noxious matter, include matter which is poisonous or noxious only by reason of the quantity taken or administered, or of the circumstances under which it is taken or administered, or of the state of health, or the peculiar bodily character, of the person by whom it is taken, or to whom it is administered.

## TITLE IX

### *Criminal Homicide*

Murder.

106.-(1) Every person who commits murder shall suffer death:

6 of 1994.

Provided that *in the case of a Class B murder* (but not in the case of a *Class A* murder), the court may, where there are special extenuating circumstances which shall be recorded in writing, and after taking into consideration any recommendations or plea for mercy which the jury hearing the case may wish to make in that behalf, refrain from imposing a death sentence and in lieu thereof shall sentence the convicted person to