

**A LAW TO PROMULGATE A PENAL CODE LAW  
FOR KADUNA STATE TO PENALIZE CRIMES  
PRESCRIBED UNDER THE LAW AND OTHER  
MATTERS CONNECTED THERETO, 2017**

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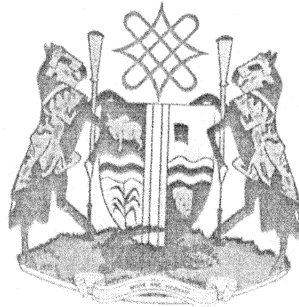
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**A LAW TO PROMULGATE A PENAL CODE LAW FOR  
KADUNA STATE TO PENALIZE CRIMES PRESCRIBED  
UNDER THE LAW AND OTHER MATTERS CONNECTED  
THERE TO, 2017**



Kaduna State of Nigeria

Law No. .....<sup>5</sup>..... 2017

( 29<sup>th</sup> May 2017 )

Date of Commencement

**PART I  
PRELIMINARY**

**BE IT ENACTED** by the House of Assembly of Kaduna State as follows: Enactment

1. This Law is cited as the Kaduna State Penal Code Law, 2017. Short Title

2. This Law comes into operation on the .....<sup>29<sup>th</sup></sup>..... day of .....<sup>May</sup>..... 2017. Commencement

3. In this Law, unless the context otherwise requires: Interpretations

“Act” denotes a series of acts as well as a single act;

“Animal” in the context of this Law, does not include human beings;

“Bribe” means something offered to or taken by a person in position of authority to induce or influence his judgment or decision;

“Child” means any person under the age of fourteen years (LKDS CAP26);

"Counterfeit" means making something not genuine to look like something real. A person is said to "counterfeit" by causing one thing to resemble another thing intending by means of that resemblance to practice deception or knowing it to be likely that deception will thereby be practiced;

"Court of Justice" includes every civil or criminal Court established by any Act or Law in force in Nigeria or deemed to be so established and every person or body of persons exercising judicial functions in the State and Nigeria by virtue of any Act or Law;

"Dishonesty" means insincerity and deception. A person is said to do a thing "dishonestly" if he does that thing with the intention of causing a wrongful gain to himself or another or of causing wrongful loss to any other person;

"Disturbance of public peace" means a situation in which people behave violently, disorderly or recklessly in a public place;

"Document of title" denotes a document which is or purports to be a document whereby a legal right is created, extended, transferred, restricted, extinguished, released, acknowledged or established;

"Effect caused partly by act and partly by omission" means wherever the causing of a certain effect or an attempt to cause that effect by an act or by an omission is an offence, it is to be understood that the causing of the effect or the attempt to cause that effect partly by an act and partly by an omission is the same offence;

"Foreign Government" means any Government other than a Government within the Federation of Nigeria;

"Fraudulently" means when a person does a thing deceitfully or with intent to cheat, deceive or mislead and by means of such deceit obtains some advantage for himself or another or to cause loss to any other person;

"Gaining wrongfully" means to retain or to get something unjustly. A person is said to gain wrongfully when such person



retains and acquires unlawfully as well as when such person acquires wrongfully;

"Gender" means male or female. The pronoun "he" and its derivatives are used for any person whether male or female;

"Good faith "means something done or believed to be done honestly or without malice;

"Government" means the State and Local Government of the Federal Republic of Nigeria;

"Harbour" means to hide something or some person. A person is said to harbour another person who has committed or intends to commit an offence or who is seeking to evade arrest when he hides, supplies that other with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or assists that other in any way to evade arrest or to commit an offence;

"Harmful Traditional Practices" include genital mutilation and other harmful practices.

"Injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation, property, or the loss of a legal right;

"Invalid consent" means improper consent. Consent is not such consent as is intended by any section of this Law, if the consent is given:

- (a) by a person under fear of injury or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or
- (b) by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or
- (c) by a child;

"Illegal" means everything which is prohibited by law and which is an offence under any law for the time being in force;

"Judicial proceeding" includes any proceeding in the course of which it is lawful to take evidence on oath;

"Legally bound to do" means a person is legally bound to do not only whatever he is bound by law to do but also everything the omission of which to do by him is an offence or furnishes a ground for a civil action;

"Life" and "death" denote the life or death of a human being unless it otherwise appears from the context;

"Life Imprisonment" means imprisonment for the rest of the life of a convict;

"Likely" an act is said to be "likely" to have a certain consequence or to cause a certain effect if the occurrence of that consequence or effect would cause no surprise to a reasonable person;

"Losing wrongfully" means losing improperly. A person is said to lose wrongfully when such person is wrongfully kept out of any property as well as when such person is wrongfully deprived of property, an advantage or reputation;

"Magistrate" denotes a Magistrate under the Administration of Criminal Justice Law of the State;

"Man" denotes a male human being;

"Month" is to be understood as the month reckoned according to the Gregorian Calendar;

"Movable property" includes corporeal property of every description except land and things attached to the earth or permanently fastened to anything which is attached to the earth;

"Number" means, unless the contrary appears from the context, words importing the singular number to include the plural number and words importing the plural number to include the singular number;

"Oath" includes a solemn affirmation and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not;

"Obscene" means word, behaviour and such like which are offensive or disgusting by moral standard;

"Offence" except where otherwise appears from the context, the word offence includes an offence under any Law for the time being in force;

"Omission" means deliberate or negligent failure to do something and also denotes a series of omissions as well as a single omission;

"Person" includes any company or association or body of persons, whether incorporated or not;

"Police officer" in the context of this Law includes all Police officers and officers of all other law enforcement agencies recognized by law;

"Probable" an effect is said to be a probable consequence of an act if the occurrence of that consequence would be considered by a reasonable man to be the natural and normal effect of the act;

"Property in possession of spouse, clerk or servant" means the person's own property in the possession of a person's wife or husband, clerk or servant on account of that person, it is in that person's possession within the meaning of this Law;

"Provocation" means such grave and sudden action that annoys to make a person loose self control as provided under any section of this Law which modifies the nature of an offence or mitigates the penalty which may be imposed and shall not be deemed to include:

- (i) provocation sought or voluntarily provoked by the offender as an excuse for committing an offence;

- (ii) provocation given by anything done in obedience to the law or by any public servant in the lawful exercise of the powers of such public servant; and
- (iii) provocation given by anything done in lawful exercise of the right of private defence.

"Public lottery" means gambling that any class of the public has, or may have access, and every lottery shall, until the contrary is proved, be deemed to be a public lottery;

"Public servant" is as defined in the Constitution of the Federal Republic of Nigeria, 1999, (as amended) for public officers and includes any person employed as such in the private sector;

"Public Place" includes a location or space open to all members of a community especially provided by the National, State or Local authority and shall include schools, hospitals, market places, churches, mosques, recreation centres, vessels, taxis, commercial buses, aircrafts, motor parks and Government offices;

"Reason to believe" means existence of circumstances to cause a belief in the state of affairs. A person is said to have "reason to believe" a thing if he has sufficient cause to believe that thing but not otherwise;

"Sense of expression once explained" means every expression which is explained in any part of this Law, is used in every part of this Law in conformity with the explanation, unless the subject or sense of the context otherwise requires;

"Smoking" in the context of this Law, means to inhale or exhale smoke from a burning cigarette or cigar, pipe and also includes electronic smoking;

"State" means Kaduna State of Nigeria

"The public" includes any class or section of the people in the State;

"Thuggery" means any criminal or violent act capable of disturbing public peace or threatening the peace and liberty of an individual;

"Thugs" means any person or group of persons who commit the act of thuggery;

"Vagabond" means a person who has no home and wanders about aimlessly in the society and generally described in subsection (2) of Section 383 of this Law;

"Vessel" denotes anything made for the conveyance by water of human beings or of property;

"Voluntarily" means willingly and intentionally. A person is said to cause an effect "voluntarily" when he intends to cause it or by means which, at the time of employing those means, he knows or has reason to believe to be likely to cause it;

"Witch" means a woman who is believed to have magical powers, especially to do evil things;

"Wizard" means a man who is believed to possess magical powers, especially to do evil things.

"Woman" denotes a female human being;

"Words referring to acts" means that in every part of this Law, words which refer to acts done also extend to illegal omissions, except where the contrary intention appears from the context;

"Writing" denotes any mark made upon paper or other substance to express a word or idea, and includes a mark made by printing, lithography, photography, engravement, electronic means or any other process; and the word "document" signifies any writing intended to be used or which may be used as evidence of the matter expressed thereby;

"Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled;

"Year" is to be understood as the Year reckoned according to the Gregorian Calendar.

"Young person" means a person who has attained the age of fourteen and has not attained the age of eighteen years. (Cap 26 LKDS, 1991).

4. Every person shall be liable to punishment under this Law for every act or omission contrary to the provisions thereof for which he shall be guilty within the State. Punishment for Offences Committed in the State
5. (1) Where, by the provisions of any law of the State, the doing of any act or the making of any omission is made an offence, those provisions shall apply to every person who is in the State at the time of his doing the act or making the omission. Offences Against Laws of the State
- (2) Where any such offence comprises several elements and any act, omission or event occurs which, if they all occurred in the State would constitute an offence, and any of such act, omission or event occurs in the State, although the other acts, omissions or events, which if they occurred in the State would be elements of the offence, occur elsewhere than in the State then, if the act or omission, which in the case of an offence committed wholly or partly in the State would be the initial element of the offence occurs in the State, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment as if all the subsequent elements of the offence occurred in the State; and
- (3) The provisions of subsection (2) do not extend to a case in which the only material event that occurs in the State is the death of a person whose death is caused by an act or omission at a place outside, and at a time when that person was outside the State.
6. (1) When by this Law any act is declared to be lawful, no action shall be brought in respect thereof. Civil Remedies
- (2) Except as aforesaid, the provisions of this Law shall not affect any right of action which any person would have had against another if this Law had not been passed; nor shall the omission from this Law or any penal provision in respect of any act or omission which before the time of the coming into operation of this Law constituted an actionable wrong affect any right of action in respect thereof.

7. Nothing in this Law shall affect the authority of Courts of record to punish a person summarily for the offence commonly known as contempt of Court; but a person cannot be so punished more than once under the provisions of this Law for the same act or omission.

Contempt of Court

## CHAPTER II CRIMINAL RESPONSIBILITY

8. A person is presumed, unless the contrary is proved, to have knowledge of any material fact if such fact is a matter of common knowledge.
9. A person who does an act in a state of intoxication is presumed to have the same knowledge as he would have had if he had not been intoxicated.
10. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law, in good faith, believes himself to be justified by law in doing it.
11. Nothing is an offence which is done by a person when acting judicially as a Court of justice or as a member of a Court of justice in the exercise of any power which is or which in good faith he believes to be given to him by Law.
12. Nothing which is done in pursuance of or which is warranted by the judgment or order of a Court of justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding that the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.
13. Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the course of doing a lawful act in a lawful manner by lawful means and with proper care and caution.
14. (1) Nothing is an offence by reason of any injury which it may cause or be intended by the doer to cause or be

Common Knowledge

Presumption of Knowledge of an Intoxicated Person

Act Done by Person Bound or Justified by Law

Act of Court of justice

Act Done Pursuant to the Judgment or Order of Court

Accident in Doing a Lawful Act

Act Likely to Cause Injury, But Done Without Criminal Intent and to Prevent Other Injury or to Benefit Person Injured



known by the doer to be likely to cause, if it is done without any criminal intention to cause injury and in good faith for the purpose of preventing or avoiding other injury to person or property or of benefiting the person to whom injury is or may be caused.

**PROVIDED** that,

- (i) having regard to all the circumstances of the case, the doing of the thing was reasonable; and
  - (ii) where the circumstances so require, the thing is done with reasonable care and skill.
- (2) This section shall not apply to the intentional causing of death or to the attempt to cause death in order to prevent or avoid injury to property only except as is provided for in sections 29 and 30.
- (3) The death of a person shall under no circumstances be deemed to be for the benefit of that person.
- (4) Mere pecuniary benefit is not benefit within the meaning of this section.
15. No act is an offence which is done:
- Age of culpability
- (a) by a child under Seven Years of age; or
  - (b) by a child above Seven Years of age but under fourteen Years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.
16. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to the Law.
- Act of a Person of Unsound Mind
17. Nothing is an offence which is done by a person who, at the time of doing it, is by reason of intoxication caused by something administered to him without his knowledge or against his will, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to Law.
- Involuntary Intoxication

18. (1) No act is an offence by reason of the injury it has caused to the person or property of any person who, being eighteen Years or above, has voluntarily and with understanding given his consent express or implied to the act. Act Not Intended to Cause Death or Grievous Bodily Harm Done by Consent
- (2) This section shall not apply to acts which are likely to cause death or grievous bodily harm or acts which constitute offences independently of any injury which they are capable of causing to the person who has given his consent or to his property.
19. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm. Act Not Intended to Cause Death Done by Consent for a Person's Benefit
20. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person. Communication Made in Good Faith
21. (1) Except culpable homicide and offences against the state punishable with death, no act is an offence which is done by a person who is compelled to do it by threat which at the time of doing it reasonably causes the apprehension that instant death to that person will otherwise be the consequence. Act to Which a Person is Compelled by Threats
- PROVIDED** that, the person doing the act did not, of his own accord or from apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such compulsion.
- (2) Nothing is an offence by reason that it causes or that it is intended to cause or that it is likely to cause any injury if that injury is so slight that no person of ordinary sense and temper would complain of such injury. Act Causing Slight Harm
22. Nothing is an offence which is done in the lawful exercise of the right of private defence. Things Done in Private Defence

23. Every person has a right, subject to the restrictions hereinafter contained, to defend:
- Right of Private Defence
- (a) his own body and the body of any other person against any offence affecting the human body; or
  - (b) the property whether movable or immovable of himself or of any other person against any act, which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass or which is an attempt to commit theft, robbery, mischief or criminal trespass.
24. When an act, which would otherwise be a certain offence is not that offence by reason of tender age, the want of maturity of understanding, the unsoundness of mind or the involuntary intoxication of the person doing that act or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.
- Right of Private Defence Against Act of a Person of Unsound Mind etc.
25. The right of private defence in no case extends to the infliction of more harm than is necessary to inflict for the purpose of defence.
- General Limit of Right of Private Defence
26. There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.
- No Right of Private Defence When Protection of Public Authorities Available
27. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous bodily harm, if done or attempted to be done:
- Limitation of Right of Private Defence Against Act of Public Servant
- (a) by a public servant acting lawfully and in good faith; or
  - (b) by the direction of a public servant acting lawfully and in good faith.
28. The right of private defence of the body extends, under the restrictions mentioned in sections 25 and 26 of this Law, to the voluntary causing of death only when the act to be repelled is of any of the following descriptions, namely:
- When Right of Private Defence of the Body Extends to Causing Death
- (a) an attack which causes reasonable apprehension of death or grievous bodily harm; or

- (b) rape or an assault with the intention of gratifying unnatural lust; or
  - (c) abduction or kidnapping.
29. The right of private defence of property extends, under the restrictions mentioned in sections 25 and 26 of this Law, to the voluntary causing of death only when the act to be repelled is of any of the following descriptions, namely:
- (a) robbery; or
  - (b) house breaking by night; or
  - (c) mischief by fire on any building, tent or vessel, which building, tent or vessel is used as a human dwelling or as a place for the custody of property; or
  - (d) theft, mischief, or house trespass in such circumstances as may reasonably cause apprehension that, if such right of private defence is not exercised, death or grievous bodily harm will be the consequence.
30. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

When Right of Private Defence of Property Extends to Causing Death

Right of Private Defence Against Deadly Assault When There is Risk of Harm to Innocent Person

### **CHAPTER III PUNISHMENTS AND COMPENSATION**

31. (1) The punishments to which offenders are liable under the provisions of this Law are:
- (a) death;
  - (b) forfeiture of property;
  - (c) destruction of property;
  - (d) imprisonment;

Punishment

- (e) detention in a reformatory;
- (f) fine;
- (g) community service;
- (h) service at rehabilitation and correctional centre;  
and
- (i) caning.

(2) An offender who is of the Muslim faith may in addition to the punishments specified in subsection (1) be liable to the punishment of Haddi lashing as prescribed by Islamic Law for offences contrary to sections 368, 372, 373, 381, 382, 383 and 384 of this Law.

- |     |  |   |
|-----|--|---|
| 32. | No sentence of imprisonment shall be passed on any person who in the opinion of the Court is a child.  | Limitation on punishments                               |
| 33. | When an accused person who has completed his seventh but not completed his eighteenth year of age is convicted by a Court of any offence, the Court may, instead of passing the sentence prescribed by law, deal with such accused person in accordance with the provisions of the Child Rights Law.   | Special Provision for Child Offenders                   |
| 34. | Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited but shall not exceed the jurisdiction of the Court imposing it and shall not be excessive.   | Amount of Fine  |
| 35. | Whenever an offender is sentenced to a fine with or without imprisonment under this Law, the Court which sentences the offender may direct that in default of payment of the fine, the offender shall be committed to prison for a certain term, which term shall not be in excess of any other term of imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence. | Sentence of imprisonment for default of payment of fine |
| 36. | If an offence is punishable with imprisonment and fine, the Court may direct that in default of payment of fine, the offender shall be imprisoned in accordance with the scale of imprisonment for non payment of fine in the fourth schedule of the Administration of Criminal Justice Law.   | Imprisonment in Default of Payment of Fine              |

37. Where a fine or any part thereof remains unpaid, the offender or his estate, if he is dead, is not discharged from liability to pay the fine or the unpaid part thereof. Fine Not Discharged by Death
38. When the same act falls within the definition of more than one offence, or when an offence consists of a series of acts each of which or any one or more of which constitute the same or some other offence, the offender shall not, unless it be otherwise expressly provided, be punished with a more severe punishment than the Court which tries him could award for any one of such offences. Limit of Punishment When Act Within Definition of More Than One Offence or When Offence Made up of Several Offences
39. (1) Any Person who is convicted of an offence under this Law, may be adjudged to make compensation to any person injured by his offence and such compensation may be either in addition to or in substitution for any other punishment. Compensation
- (2) In any trial for an offence under this Law, the fact that an accused is in possession of pecuniary resource or other thing for which he cannot satisfactorily account or which is disproportionate to his known sources of income, may be proved and taken into consideration by the Court as corroborating the testimony of any witness in the trial.
40. (1) A sentence of caning may be passed by any Court, whether trying a case summarily or otherwise on any male offender in lieu of or in addition to any other punishment to which he may be liable for any offence not punishable with death. Sentence of Caning
- (2) Without prejudice to the provisions of this Law, a sentence of caning shall not be passed on a female offender.

#### **CHAPTER IV JOINT ACT**

41. When a criminal act is done by two or more persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone. Act Done by Several Persons in Furtherance of Common Intention

42. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by two or more persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention. When Such an Act is Criminal by Reason of its Being Done With a Criminal Knowledge or Intention
43. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts either singly or jointly with any other person, commits that offence. Co-operation by Doing One of Several Acts Constituting an Offence
44. Where two or more persons are engaged or concerned in the commission of a criminal act, each person may be guilty of a different offence or offences by means of that act. Persons Concerned in Criminal Act May be Guilty of Different Offence

## CHAPTER V ABETMENT

45. A person abets the doing of a thing who: Abetment Defined
- (a) counsels or instigates any person to do that act; or
- (b) engages with one or more persons in any conspiracy for the doing of that act; or
- (c) intentionally aids or facilitates by any act or illegal omission the doing of that act.
46. A person abets an offence if he helps or instigates either the commission of an offence or the commission of an act which would be an offence, if committed with the same intention or knowledge as that of the abettor by a person capable by law of committing an offence. Abetment of Offence Defined
47. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment and no express provision is made by this Law or by any other law for the time being in force for the punishment of such abetment, be punished with the punishment provided for the offence. Abetment if the Act Abetted is Committed in Consequence and Where No Express Provision is Made for its Punishment
48. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or Abetment if Person Abetted Does Act With Different Intention From That of Abettor



knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

49. When an act is abetted and a different act is done and the act done was a probable consequence of the abetment and was committed under the influence of the instigation or in pursuance of the conspiracy or with the aid which constituted the abetment, the abettor is liable for the act done in the same manner and to the same extent as if he had directly abetted it. Liability of Abettor  
When One Act Abetted  
and Different Act Done
50. If the act for which the abettor is liable under Section 49 is committed in addition to the act abetted and constitutes a distinct offence, the abettor is liable to punishment for each of the offences. Liability of Abettor for  
an Effect Caused by the  
Act Abetted Different  
From That Intended by  
Abettor
51. When an act is abetted with the intention on the part of the abettor of causing a particular effect and in consequence of the abetment, the act causes a different effect from that intended by the abettor, the abettor is liable for the effect caused in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect. Abettor Present When  
Offence Committed  
Liable as Principal
52. Whenever any person who, if absent would be liable to be punished as an abettor, is present when the act or offence is committed, he shall be deemed to have committed such act or offence. Abetment of Offence  
Punishable With Death  
or Imprisonment for  
Life if Offence Not  
Committed
53. (1) Whoever abets the commission of an offence punishable with death or imprisonment for life shall, if that offence is not committed in consequence of the abetment and no express provision is made by this Law or by any other law for the time being in force for the punishment of such abetment, shall be punished with imprisonment for a term of not less than Five Years and shall also be liable to a fine of not less than Two Hundred Thousand Naira. Inability of abettor for an  
effect caused by the act  
abetted different from  
that intended by abettor.
- (2) If the abettor is a public servant whose duty it is to prevent the commission of such an offence, he shall be liable to imprisonment for a term of not less than Seven Years and shall also be liable to fine of not less than Five Hundred Thousand Naira.

54. (1) Whoever abets an offence punishable with imprisonment shall, if that offence is not committed in consequence of the abetment and no express provision is made in this Law or any law for the time being in force for the punishment of such abetment, be punished with imprisonment for a term which may extend to one fourth of the longest term provided for the offence or with such fine as is provided for that offence or both.
- (2) If the abettor is a public servant whose duty it is to prevent the commission of such offence, he shall be punished with imprisonment for a term which may extend to one half of the longest term provided for that offence or with such fine as is provided for the offence or both.
55. Whoever abets the commission of an offence by the public generally or by any member or class of persons exceeding ten, shall be punished with imprisonment for a term of not less than Three years or with fine of not less than One Hundred Thousand Naira or both.
56. Whoever administers, or takes, or is present at and consents to the administering of any oath or engagement in the nature of an oath, purporting to bind the person who uses it to commit any offence or to refrain from disclosing to any lawful authority the commission of an offence shall be punished:
- (a) with imprisonment for a term of not less than five years or fine of not less than Fifty Thousand Naira or both; and
- (b) if the offence is an offence punishable with death, with imprisonment for life.

Abetment of Offence  
Punishable With  
Imprisonment if  
Offence is Not  
Committed

Abetting Commission of  
Offence by the Public or  
by More than Ten  
Persons

Administering Unlawful  
Oaths

## CHAPTER VI ATTEMPT TO COMMIT OFFENCES

57. Whoever attempts to commit an offence punishable with imprisonment or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence shall, where no express provision is made by this Law or any law for the time being in force for the punishment of such attempt, be punished with imprisonment for a term which

Attempt to Commit an  
Offence Punishable  
With Imprisonment

may extend to one half of the longest term provided for that offence or with such fine as is provided for the offence or both.

## CHAPTER VII CRIMINAL CONSPIRACY

58. (1) When two or more persons agree to do or cause to be done:
- Criminal Conspiracy Defined
- (a) an illegal act; or
  - (a) an act which is not illegal by illegal means, such an agreement is called criminal conspiracy.
- (2) Notwithstanding the provision of subsection (1) of this section, no agreement except an agreement to commit an offence shall amount to criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.
59. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death or with imprisonment shall, where no express provision is made in this Law for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.
- Punishment for Criminal Conspiracy
- (2) Whoever is a party to criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment for a term of not less than One Year or with a fine of not less than Twenty Five Thousand Naira or both.
60. A society is an unlawful society if proscribed or declared by:
- Unlawful Society Defined
- (a) an order of the President of the Federal Republic of Nigeria; or
  - (b) an order of the Governor
- to be a society dangerous to the good governance of the State.
61. Whoever manages, sponsors or finances, aids or abets, or is a member of an unlawful society, shall be punished with
- Punishment for participating in Unlawful Society

imprisonment for a term of not less than Seven Years and with a fine of at least one hundred thousand Naira or both

### **CHAPTER VIII BREACH OF OFFICIAL TRUST**

62. Whoever, by reason or by means of his employment as a public servant, acquires any information in respect of which he is under an obligation of secrecy, express or implied and at any time communicates or attempts to communicate such information to any person to whom the same ought not in the public interest be communicated, is said to commit a breach of official trust. Breach of Official Trust Defined
63. Whoever commits a breach of official trust shall: Punishment for Breach of Official Trust
- (a) if the communication is made or attempted to be made to the agent of a Foreign Government, be punished with imprisonment for a term of not less than Ten Years and not exceeding Fourteen Years and shall also be liable to a fine of not less than Fifty Thousand Naira.; and
  - (b) in any other case be punished with imprisonment for a term which shall not be less than six months or with fine of not less than Twenty Five Thousand Naira or both.

### **CHAPTER IX OFFENCES AGAINST THE PUBLIC PEACE**

64. An assembly of two or more persons is designated unlawful assembly if the common object of the persons composing that assembly is: Member of Unlawful Assembly Defined
- (a) to overawe by criminal force or show of criminal force on the Government of Kaduna State or any public servant in the exercise of his lawful powers; or
  - (b) to resist the execution of any law or of any legal process; or
  - (c) to commit any mischief or criminal trespass or other offence; or

- (d) to enforce any right or supposed right by means of criminal force or show of criminal force; or
- (e) to compel any person to do what he is not legally bound to do or to omit to do what he is legally entitled to do by means of criminal force or show of criminal force.
65. Whoever being aware of fact which renders any assembly an unlawful assembly intentionally joins that assembly or remains therein, is said to be a member of an unlawful assembly. Membership of Unlawful Assembly Defined
66. Whoever is a member of an unlawful assembly shall be punished with imprisonment for a term of not less than six months or with fine of not less than Twenty Five Thousand Naira or both. Punishment for Membership of Unlawful Assembly
67. Whoever being a member of an unlawful assembly armed with any offensive weapon or with anything which if used as a weapon is likely to cause death, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira or both. Joining Unlawful Assembly Armed With Offensive Weapon
68. Whoever joins or remains in an unlawful assembly knowing that such unlawful assembly has been lawfully commanded to disperse, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira or both. Joining or Remaining in Unlawful Assembly Knowing it Has Been Commanded to Disperse
69. Whenever force or violence is used by an unlawful assembly or by any member thereof in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting. Rioting defined
70. Whoever is guilty of rioting shall be punished with imprisonment for a term which shall not be less than Two Years or with fine of not less than Twenty Five Thousand Naira or both. Punishment for Rioting
71. Whoever is guilty of rioting when armed with an offensive weapon or with anything which if used as a weapon of offence is likely to cause death, shall be punished with imprisonment for a term of not less than Two Years , or with fine of not less than Fifty Thousand Naira or both. Rioting Armed With Offensive Weapon

72. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, every person, who at the time of the committing that offence is a member of the assembly, is guilty of that offence. Every member of an Unlawful Assembly is Guilty of Offence Committed in Prosecution of Common Object
73. Whoever promotes or does any act with intent to assist the promotion of an unlawful assembly, shall be punished as a member of such unlawful assembly and for any offence which may be committed by any member thereof in the same manner as if he had himself been a member of such unlawful assembly. Promoter of an Unlawful Assembly Liable as a Member
74. Whoever joins or remains in any assembly of two or more persons likely to cause a disturbance of the public peace knowing that such assembly has been lawfully commanded to disperse, shall be punished with imprisonment for a term of not less than Three Months or a fine of not less than Twenty Five Thousand Naira or with both. Joining or Remaining in Assembly of Two or More Persons Knowing That it Has Been Commanded to Disperse
75. Whoever wears, carries or displays in public any emblem, flag, article of clothing or other token or device in such manner or on such occasion or in such circumstances as:
- (a) to constitute an offence under any section of this Law, or of any other subsisting Act or law; or
  - (b) to cause or likely to cause annoyance to the public, or a breach of the peace, or disturbance of the public peace, or the commission of an offence;
- shall be punished with imprisonment for a term which shall not be less than Two Years and not exceeding Six Years, or with fine of not less than One Hundred Thousand Naira and in addition the emblem, flag, article of clothing or other token or device in respect of which an offence under this section has been committed shall be liable to forfeiture to the Government. Wearing and Carrying of Emblem, Flag etc.
76. Whoever assaults or threatens to assault or obstructs or attempts to obstruct any public servant in the discharge of his duty when such public servant is endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses or threatens or attempts to use criminal force against such public servant, shall be punished with imprisonment for a term of not less than two years or fine of not less than Twenty Five Thousand Naira or both. Obstructing Public Servant When Suppressing Riot, etc.

77. Whoever disturbs the public peace shall be punished with imprisonment for a term which shall not be less than Six Months or with fine of not less than Twenty Thousand Naira or both. Disturbance of Public Peace
78. (1) Whoever does any act with intent to cause or which is likely to cause a breach of the peace or disturb the public peace, commits an offence which on summary conviction is liable to imprisonment for a term of not less than two (2) years and twelve (12) strokes of the cane. Inciting Disturbance
- (2) Where a Magistrate or other judicial officer trying any person in respect of an offence under any of the sections of this Chapter is satisfied that damage was caused by the act of such person and that damage has been proved before him he may without prejudice to any punishment provided for the offence require the person during sentencing to pay a specified amount proportionate to the damage caused by his act into the Riot Damage Fund established in Section 18 of the Riot Damage Law Cap 134 LKS.

## CHAPTER X OFFENCES BY OR RELATING TO PUBLIC SERVANTS

79. Whoever, being or expecting to be a public servant accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any bribe whatsoever, whether pecuniary or otherwise than lawful remuneration, as a motive or reward: Public Servant Taking Bribe in Respect of Official Act
- (a) for doing or forbearing to do any official act; or
- (b) for showing or forbearing to show in the exercise of his official functions favour or disfavour to any person; or
- (c) for rendering or attempting to render any service or disservice to any person with any department of the public service or with any public servant as such

shall be punished:



- (i) with imprisonment for a term which shall not be less than Five Years and with fine of not less than three times the amount of the bribe.
- (ii) If such public servant is a public servant in the service of the Government of the State or of the Government of the Federation acting in a judicial capacity or carrying out the duties of a police officer, with imprisonment for a term of not less than Ten Years and with fine of not less than five times the amount of the bribe.

80. Whoever accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any bribe whatsoever whether pecuniary or otherwise as a motive or reward for inducing by corrupt or illegal means any public servant:

Taking Bribe in Order to Influence Public Servant

- (a) to do or forbear to do any official act; or
- (b) to show favour or disfavour to any person in the exercise of the official functions of such public servant; or
- (c) to render or attempt to render any service or disservice to any person within any department of the public service as such;

shall be punished with imprisonment for a term of not less than Three Years and with fine of not less than three times the amount of the bribe

81. Whoever being a public servant, in respect of whom an offence under sections 80 – 87 and 147 is committed, abets the offence, shall be punished with imprisonment for a term of not less than Three years and with fine of not less than three times the amount of the bribe

Abetment by Public Servant of Offence Mentioned in Sections 81 – 88 and 148

82. (1) Whoever offers or gives bribe whatsoever whether pecuniary or otherwise in the circumstances and for any of the purposes mentioned in sections 80 and 81 shall be punished with imprisonment of not less than Three Years and with fine of not less than three times the amount of the bribe

Offering or giving bribe to public servants



(2) Whoever attempts to give bribe shall be punished with imprisonment of not less than Three Years and with fine of not less than three times the amount of the bribe

83. (1) Whoever being a public servant accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable item without consideration or for a consideration which he knows to be inadequate:

Public Servant Obtaining Valuable Item Without Consideration from Person Concerned in Proceeding or Business Transacted by Such Public Servant

(a) from any person whom he knows to have been or likely to be connected to any proceeding or business transacted or about to be transacted by such public servant or having any connection with the official functions of himself or any public servant to whom he is subordinate; or

(b) from any person whom he knows to be interested in or related to the persons concerned

shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira.

84. Whoever in any of the circumstances mentioned in section 84 offers or gives to any public servant or to any person, in whom a public servant is or to whom he is related, any valuable item without consideration or for a consideration which he knows to be inadequate, shall be punished with imprisonment for a term of not less than Two Years or with a fine of not less than Twenty Five Thousand Naira or both.

Offering or Giving Valuable Item Without Consideration

85. Whoever knowingly profits by any bribe or benefit obtained in any of the circumstances mentioned in section 81, 82 or 85 but does not take any active part in obtaining such bribe or benefit shall be punished with imprisonment for a term of not less than One Year or with fine of not less than Fifty Thousand Naira or both.

Third Person Profiting From Bribery

86. Whoever being a public servant in his capacity as such dishonestly receives from any person any money or other property which he is not authorized to receive or which is in excess of the amount which he is authorized to receive shall be punished with imprisonment for a term of not less than Two Years or with fine twice the amount of bribe involved.

Public Servant Dishonestly Receiving Money or Property Not Due

87. Whoever, being a public servant knowingly disobeys any direction of the law to the way in which he is to conduct himself as a public servant intending thereby or knowing himself to be likely thereby:

Public Servant Disobeying Direction of Law With Intent to Cause Injury or to Save Person From Punishment or Property from Forfeiture

- (a) to cause injury to any person or to the public; or
- (b) to save any person from lawful punishment or to subject him to a less punishment than that to which he is liable or to delay the imposition on any person of any legal punishment; or
- (c) to save any property from forfeiture or from any seizure or charge to which it is liable by law or to delay the forfeiture or seizure of any property or the imposition or enforcement of any charge upon any property;

shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty-Five Thousand Naira or with both.

88. Whoever, being a public servant, and being a public servant charged with the preparation or translation of any document, prepares or translates that document in a manner which he knows and believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

Public Servant Preparing Incorrect Document With Intent to Cause Injury

89. Whoever, being a public servant knowing that he is likely to cause injury to any person or intending unlawfully to give any person an advantage, makes or pronounces in any stage of a judicial proceeding any report, order, judgment or decision which he knows to be contrary to law, shall be punished with imprisonment of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

Public Servant in Judicial Proceedings Acting Contrary to Law

90. Whoever, being a public servant authorised by law to commit persons for trial or to confinement or to keep persons in confinement, commits any person for trial or to confinement or keeps any person in confinement:

Wrongful Committal or Confinement by Public Servant

- (a) knowing that he is acting contrary to Law; and
- (b) knowing that he is likely to cause injury to any person or intending unlawfully to give any person an advantage;

shall be punished with imprisonment for a term which shall not be less than Five Years or with fine of not less than One Hundred Thousand Naira or both.

91. Whoever, being a public servant whose duty it is as such public servant to arrest any person or to keep any person in confinement or custody, intentionally omits to arrest such person or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement or custody, shall be punished as follows:

Public Servant Intentionally  
Omitting to Arrest or Aiding  
Escape

- (a) with imprisonment for a term of not less than Fourteen Years with no option of fine, if such person is under sentence of death; or
- (b) with imprisonment for a term of not less than Seven Years with no option of fine, if such person is under a sentence of imprisonment for a term of Ten Years or upwards or is charged with or liable to be arrested for an offence punishable with death; or
- (c) with imprisonment for a term of not less than Three Years or a fine of not less than One Hundred Thousand Naira or both, if such person is under a sentence of imprisonment for a term not exceeding Ten Years or is charged with or liable to be arrested for an offence punishable with imprisonment for a term which may extend to Ten Years; or
- (d) with imprisonment for a term of not less than Two Years, or fine of not less than Fifty Thousand Naira and not exceeding One Hundred Thousand Naira or with both in case not above mentioned.

92. Whoever, being a public servant whose duty it is as a public servant to arrest any person or to keep any person in confinement or custody, negligently omits to arrest that person or negligently suffers that person to escape from confinement

Public Servant Negligently  
Omitting to Arrest or Aiding  
Escape

or custody, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.

93. Whoever, being a public servant wilfully omits to perform any duty pertaining to his office which he is legally bound to perform shall, if such omission causes or tends to cause danger to human life, health or safety or causes or tends to cause a riot, be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.
- Public Servant Causing Danger by Omitting to Perform his Duty
94. Whoever being a public servant wrongfully abandons his duties in a pre-arranged agreement with any other such public servant shall, if the intention or effect of such abandonment is to interfere with the performance of a public service to an extent which will cause injury or damage or grave inconvenience to the community, be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand or with both.
- Abandonment of Duty by Public Servant
95. Whoever, being a public servant and being legally bound as a public servant not to purchase or bid for certain property, purchases or bids for that property in his own name, or in the name of another or jointly or in conjunction with others, shall be punished with imprisonment for a term of not less than Three Years and or with fine of not less than Seventy Five Thousand Naira or with both.
- Public Servant Unlawfully Purchasing Property
96. Whoever pretends to hold any particular office as a public servant knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under guise of such office, shall be punished with imprisonment for a term of not less than Three Years or with fine of Seventy Five Thousand Naira, or with both
- False Presentation of a Public Servant
97. (a) Whoever purports to appoint, assign or confer any post, function or responsibility to any person which is within the power of the State Government or Local Government to appoint, assign or confer shall be punished with imprisonment of not less than Three Years and with fine of not less than one hundred thousand Naira

- (b) Whoever accepts any post, discharges any responsibility or exercises any function which is within the powers of the State Government or Local Government to appoint, assign or confer, from any other person shall be punished with imprisonment for a term of not less than Three Years and with fine of not less than one hundred thousand Naira

98. Whoever not belonging to a certain class of public servants wears any attire or carries any token resembling any dress or token used by that class of public servants with the intention that it may be believed that he belongs to that class of public servants, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Fifty Thousand Naira

Wearing Attire or Carrying  
Token Used by Public  
Servant

### **CHAPTER XI CONTEMPT OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS**

99. Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent to issue such summons, notice or order, shall be punished:

Absconding to avoid service  
of summons, notice or  
order

- (a) with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or both;
- (b) if the summons or notice or order is to attend in person or by an agent or to produce a document in a Court of justice, with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both.

100. Whoever in any manner:

Preventing Service or  
Publication of Summons,  
etc.

- (a) intentionally prevents the serving on himself or on any other person of any summons, notice or order proceeding from any public servant legally competent to issue such summons, notice or order; or

- (b) intentionally prevents the lawful affixing to any place of any such summons, notice or order; or
- (c) intentionally removes any summons, notice or order from any place to which it is lawfully affixed; or
- (d) intentionally prevents the lawful making of any proclamation under the authority of any public servant legally competent to direct such proclamation to be made;

shall be punished:

- (i) with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or with both.
- (ii) If the summons, notice, order or proclamation is to attend in person or by an agent or to produce a document in a Court of justice, with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both.

101. Whoever, having been required by a summons, notice, order or proclamation proceeding from any public servant legally competent to issue the same to attend in person or by an agent at a certain time and place, intentionally and without reasonable cause refuses or omits to attend at the place and time or depart from that place before the time at which it is lawful for him to depart, shall be punished:

Failure to Attend in  
Obedience to an Order  
From Public Servant

- (a) with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both.
- (b) if the summons, notice, order or proclamation is to attend in person or by an agent in a Court of justice, with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both.

102. Whoever, having been required by a summons, notice, order or proclamation proceeding from a public servant legally competent to issue the same to produce or deliver up any

Failure to Produce  
Document to Public Servant

document or other thing, intentionally omits so to produce or deliver up the same, shall be punished:

- (a) with imprisonment for a term which shall not be less than Six Months or with fine of not less than Ten Thousand Naira or with both;
- (b) if the document is to be produced or delivered up to a Court of justice, with imprisonment for a term which shall not be less than Six Months or with fine of not less than Twenty Five Thousand Naira or both.

103. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished:

Failure to Give Notice or  
Information to Public  
Servant

- (a) with imprisonment for a term of not less than Six Months and with fine of not less than Ten Thousand Naira or both;
- (b) if the notice or information required to be given is in respect of the commission of an offence or is required for the purpose of preventing the commission of an offence or in order to arrest an offender, with imprisonment for a term of not less than Six Months and with fine of not less than Twenty Five Thousand Naira or both.

104. Whoever, being legally bound to furnish information on any subject to any public servant as such, furnishes as true information on the subject which he knows or has reason to believe to be false, shall be punished –

Furnishing False Information

- (a) with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both; or
- (b) if the information which he is legally bound to give is in respect of the commission of an offence or is required for the purpose of preventing the commission of an offence or in order to arrest an offender, with imprisonment for a term of not less than Six Months or with a fine of not less than Twenty Five Thousand Naira or both.



105. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause or knowing it to be likely that he will thereby cause such public servant:

Giving False Information  
With Intent to Mislead a  
Public Servant

- (a) to do or to omit anything which such public servant ought not to do or omit if the true state of facts respecting such information is given were known by him; or
- (b) to use the lawful power of such public servant to the injury or annoyance of any person

shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or with both.

106. (1) Whoever refuses to bind himself by an oath or affirmation to state the truth when required to do so by a public servant legally competent to require that he shall so bind himself, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both.

Refusing Oath or Affirmation  
When Duly Required by  
Public Servant to Make it

(2) The provisions of this section shall not apply to a witness in a judicial proceeding who, having been called upon to take an oath or make a solemn affirmation that he will speak the truth under section 261 of the Administration of Criminal Justice Law, refuses to take such oath or make such affirmation under the provisions of section 262 of the Administration of Criminal Justice Law.

107. Whoever, being legally bound to answer questions put to him on any subject by any public servant in the exercise of the lawful powers of such public servant, refuses to answer any such question, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or with both.

Refusing to Answer Public  
Servant Authorised to  
Question to Make it

108. Whoever refuses to sign any statement made by him when required to sign that statement by a public servant legally competent to require that he signs that statement, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both.

Refusing to Sign Statement

109. Whoever offers any resistance to the seizure of any property by the lawful authority of any public servant knowing or having reason to believe that he is such public servant, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both.
- Resistance to Seizure of Property by Lawful Authority of Public Servant
110. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, shall be punished with imprisonment for a term of not less than Three months or with fine of not less than Twenty Thousand Naira or with both.
- Obstructing Sale of Property Offered for Sale by Authority of Public Servant
111. Whoever, when any property has been attached or taken by the lawful authority of any public servant, knowingly and with intent to hinder or defeat the attachment or process receives, removes, retains, conceals, or disposes of such property, shall be punished with imprisonment of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both.
- Removing Property Under Lawful Seizure
112. Whoever at any sale of property held by the lawful authority of a public servant, purchases or bids for any property on account of any person whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment for a term of not less than Three Months or with fine of not less than Twenty Thousand Naira or both.
- Illegal Purchase or Bid for Property Offered for Sale by Authority of Public Servant
113. Whoever voluntarily obstructs any public servant in the discharge of his public function, shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or both.
- Obstructing Public Servant in Discharge of Function
114. Whoever, being legally bound to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or with both.
- Failing to Assist Public Servant When Bound by Law to Assist

115. Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain action with respect to certain property in his possession or under his management, disobeys such direction, shall:
- (a) if such disobedience causes or tends to cause obstruction, annoyance or injury or risk of obstruction; annoyance or injury to any person lawfully employed, be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or with both;
- (b) if such disobedience causes or tends to cause danger to humans shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira and not exceeding Twenty Five Thousand Naira or with both.
116. Whoever, holds out any threat of injury to any public servant or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such public servant, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or with both.
117. Whoever, holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from applying for protection against any injury to any public servant legally empowered to give such protection or cause such protection to be given, shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Ten Thousand Naira or both.
118. Whoever, intentionally insults or causes any interruption to any public servant, while such public servant is sitting in any stage of judicial proceeding, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Thousand Naira or both.

Disobedience to Order Duly  
Promulgated by Public  
Servant

Threat of Injury to Public  
Servant

Threat of Injury to Induce  
Person to Refrain from  
Applying for Protection to  
Public Servant

Intentional Insult or  
Interruption to Public Servant  
Sitting in Judicial Proceeding

**CHAPTER XII**  
**FALSE EVIDENCE AND OFFENCES RELATING**  
**TO THE ADMINISTRATION OF JUSTICE**

119. Whoever, being legally bound by an oath or by any express provision of law to state the truth or being bound by law to make a declaration upon any subject, makes any statement, verbally or otherwise, which is false in a material particular and which he either knows or believes to be false or does not believe to be true, is said to give false evidence. Giving False Evidence Defined
120. Whoever causes any circumstance to exist or makes any false entry in any book or record or makes any document containing a statement intending that such circumstance, false entry or false statement may appear in evidence or be used in a judicial proceeding or in a proceeding taken by law before a public servant or before an arbitrator and that such circumstance, false entry or false statement so appearing in evidence or so used may cause any person, who in such proceeding is to form an opinion upon the circumstance, entry or statement, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said to fabricate false evidence. Fabricating False Evidence Defined
121. (1) Whoever intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence for the purpose of it being used in any stage of a judicial proceeding, shall be punished with imprisonment for a term which shall not be less than Seven Years and shall also be liable to a fine of not less than One Hundred and Fifty Thousand Naira. Punishment for False Evidence
- (2) Whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment for a term of not less than Seven Years and with fine of not less than One Hundred and Fifty Thousand Naira.
122. (1) Whoever gives or fabricates false evidence intending thereby to cause or knowing it to be likely that he will thereby cause any person to be convicted of an offence which is punishable with death, shall be punished with imprisonment for a term which may extend to imprisonment for life and shall also be liable to a fine of not less than one Million Naira Giving False Evidence to Procure Conviction in Capital Offence

- (2) If an innocent person is convicted and executed in consequence of such false evidence, the person who gave or fabricated such evidence shall be punished with death.
123. Whoever gives or fabricates false evidence intending thereby to cause or knowing it to be likely that he will thereby cause any person to be convicted of an offence which is not punishable with death but is punishable with imprisonment for a term of Seven Years or upwards shall be punished as a person convicted of that offence would be punished. Giving False Evidence to Procure Conviction of Offence Punishable With Imprisonment
124. Whoever uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave a fabricated or false evidence. Using Evidence Known to be False
125. Whoever issues or signs any certificate required by law to be given or signed or relating to any fact of which such certificate is legally admissible in evidence knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence. Issuing or Signing False Evidence
126. Whoever uses or attempts to use any certificate mentioned in section 127 as a true certificate knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence. Using as True a Certificate Known to be False
127. (1) Whoever in any declaration made or subscribed by him, which declaration any Court of justice or any public servant or other person is bound or authorized by law to receive as evidence of any fact, makes any statement, which is false and which he either knows or believes to be false or does not believe to be true, concerning any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence. False Statement in Declaration Which is by Law Receivable as Evidence
- (2) Whoever uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

128. Whoever knowingly makes a false translation of the evidence of a witness or of the statement of an accused person or of a party to a civil suit or makes a false translation or copy of any document with the intention that such translation or copy shall be used in any manner in any judicial proceeding or knowing that it is likely to be so used, and whoever knowingly uses such translation or copy in any manner in any judicial proceeding, shall be punished in the same manner as if he gave false evidence.
- False Translation
129. Whoever secretes or destroys any document, which he may be lawfully compelled to produce as evidence in a Court of justice or in any proceeding lawfully held before a public servant as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment for a term of not less than Seven Years or with a fine of not less than One Hundred and Fifty Thousand Naira or both.
- Destruction of Document to Prevent its Production as Evidence
130. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of the offence to disappear with the intention of screening the offender from legal punishment, or with a like intention or intending to prevent his arrest gives any information in respect of the offence which he knows or believes to be false or harbours or conceals a person whom he knows or has reason to believe to be the offender, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred and Fifty Thousand Naira or with both.
- Causing Disappearance of Evidence of Offence or Giving False Information to Screen Offender
131. (1) Whoever accepts or attempts to obtain or agrees to accept any bribe for himself or any other person or any restitution of property to himself or any other person in consideration of his concealing an offence or of his screening any person from lawful punishment for any offence or of his not proceeding against any person for the purpose of bringing him to lawful punishment, shall be punished with imprisonment for a term of not less than Five Years and with fine of not less than One Hundred and Fifty Thousand Naira or with both.
- Taking Bribe to Screen an Offender from Punishment



- (2) This section shall not extend to any case in which the offence may lawfully be compounded.
132. (1) Whoever gives or causes or offers or agrees to give or cause any bribe to any other person or to restore or cause the restoration of any property to any other person, in consideration of that other person's concealing an offence or of his screening any person from lawful punishment for any offence or of his not proceeding against any person for the purpose of bringing him to lawful punishment, shall be punished with imprisonment for a term of not less than Five Years and with fine of not less than One Hundred and Fifty Thousand Naira or with both.
- (2) This section shall not extend to any case in which the offence may lawfully be compounded.
133. Whoever knowing or having reason to believe that any person is about to commit or have recently committed robbery or brigandage, harbours them or any of them with the intention of facilitating the commission of such robbery or brigandage or of screening them or any of them from punishment, shall be punished with imprisonment for a term which may not be less than Fourteen Years and fine of not less than Two Hundred Thousand Naira.
134. Whoever intentionally offers any resistance or illegal obstruction to the lawful arrest of any other person or rescues or attempts to rescue any other person from any confinement or custody in which that person is lawfully detained shall be punished:
- (a) with imprisonment for a term of not less than Seven Years and not exceeding Fourteen Years or with a fine of not less than One Hundred and Fifty Thousand Naira or with both;
- (b) if such other person is under a sentence of death, shall be punished with imprisonment of not less than Fourteen Years and may extend to imprisonment for life and shall also be liable to a fine of not less than One Hundred and Fifty Thousand Naira.

Offering Bribe in Consideration  
of Screening Offender

Penalty for Harboring  
Robber or Brigand

Resistance or Obstruction to  
Lawful Arrest of Another  
Person



135. Whoever intentionally offers any resistance or illegal obstruction to the lawful arrest of himself for any offence with which he is charged or of which he has been convicted or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred and Fifty Thousand Naira or with both.
- Resistance or Obstruction by a Person to his Lawful Arrest or Escape
136. Whoever in any case not provided for in section 136 intentionally offers any resistance or illegal obstruction to the lawful arrest of himself or escapes or attempts to escape from any custody in which he is lawfully detained, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.
- Resistance or Obstruction to Lawful Arrest or Escape, in Cases Not Provided for by Section 136
137. Whoever, with intent to prevent any property of himself or of any other person or any other interest therein:
- Fraudulent Removal of Property to Prevent Lawful Seizure or Execution
- (a) from being taken as a forfeiture or in satisfaction of a fine under a sentence which has been pronounced or which he knows to be likely to be pronounced by a Court of justice or other competent authority; or
  - (b) from being taken by seizure or in execution of a judgment or order, which has been made or which he knows to be likely to be made by a Court of justice; or
  - (c) from being distributed according to law amongst the creditors of himself or such other person; or
  - (d) from being available according to law for payment of the debts of himself or of such other person, dishonestly or fraudulently removes or conceals or assists in removing or concealing such property or dishonestly or fraudulently transfers, delivers or releases such property or any interest therein to any person or practices any deception regarding the same or accepts or dishonestly or fraudulently accepts, receives or claims such property or any interest therein, knowing that he has no right or rightful claim thereto

shall be punished with imprisonment for a term which may not be less than Two Years or with fine of not less than Fifty Thousand Naira or both.

138. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied or for anything in respect of which it has been satisfied, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Fraudulently Suffering Decree or Order for Sum Not Due
139. Whoever fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due or for any property or interest in property to which he is not entitled or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Fraudulently Obtaining Decree For Sum Not Due
140. Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument, which purports to transfer or subject to any charge any property or any interest therein and which contains any false statement relating to the consideration of such transfer or charge or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Dishonest or Fraudulent Execution of Deed of Transfer Containing Statement or Consideration
141. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment for a term of not less than Two Years or with fine of Fifty Thousand Naira or with both. Giving False Information Respecting an Offence
142. (1) Whoever impersonates another, whether that other is an actual or fictitious person, and in such assumed character makes any admission or statement or causes any process Impersonation

to be issued or stands as surety, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

- (2) Whoever impersonates any public officer whether serving or retired by any means and for any purpose whatsoever, is guilty of an offence, and shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred and Fifty Thousand naira or both.
- (3) Whoever impersonates any Traditional Ruler or any Title Holder or any existing or non-existent traditional or Chieftaincy Title is guilty of an offence, and shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

143. Any person who uses or deals with any document which has been issued by a lawful authority to another person, and where that other person is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document is guilty of an offence and shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than fifty Thousand Naira or both.

Impersonation of a Person  
Named in a Certificate

144. Any person to whom any document has been issued by lawful authority certifying him to be a person possessed of any qualification recognized by Law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that, that other person may represent himself to be the person named in it, is guilty of an offence and shall be punished with imprisonment of not less than Three Years or with fine of not less than fifty Thousand Naira or both.

Lending Certificate for  
Impersonation

145. Any person who, with the purpose of obtaining any employment, uses or deals with any document of the nature of a testimonial, attestation or character given to another person is guilty of an offence and shall be punished with imprisonment of not less than Two Years or with fine of not less than Twenty Five Thousand Naira or both. Impersonation of Person Named in a Testimonial or Character
146. Any person to whom any document in the nature of a testimonial, attestation or character has been given, gives sells or lends such document to another person with the intent that the other person may use or deal with such document for the purpose of obtaining any employment is guilty of an offence and shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira or with both. Lending Testimonial for Impersonation
147. Whoever with intent to cause injury to any person institutes or causes to be instituted any criminal proceedings against that person or falsely charges any person with having committed an offence knowing that there is no just or lawful ground for such proceedings or charge against that person shall be punished: False Charge of Offence Made With Intent to Injure Lending Testimonial for Impersonation
- (a) with imprisonment for a term which shall not be less than Two Years or with fine of not less than Fifty Thousand Naira or with both;
- (b) where such criminal proceeding is instituted on a false charge of an offence punishable with death or imprisonment for Seven Years or upwards, shall be punished with imprisonment for a term which shall not be less than Seven Years or with fine of not less than One Hundred and Fifty Thousand Naira.
148. Whoever receives or agrees or consents to take any bribe under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence shall, unless he uses all means in his power to cause the offender to be brought to justice, be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred and Fifty Thousand Naira or both. Receiving Bribe to Help to Recover Stolen Property
149. Whoever with intent to influence the course of justice in any civil or criminal proceeding does any act whereby the civil Influencing the Course of Justice

hearing, trial or decision of any matter in that proceeding may be prejudiced, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.

### **CHAPTER XIII PUBLIC NUISANCE**

150. (1) A person is guilty of public nuisance who does an act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. Public Nuisance Defined
- (2) Where premises on which a public nuisance has occurred is occupied by two or more persons in common each of such persons shall be liable to conviction on account of the nuisance in the absence of sufficient evidence that he has not been guilty of the offence.
151. Whoever smokes in a public place is guilty of an offence, and shall be punished with imprisonment for a term which shall not be less than Three Months or with fine of not less than Ten Thousand Naira or both. Smoking in Public Place
152. Whoever adulterates any food or drink or abstracts from any food or drink any part thereof so as to affect injuriously, the quality, substance or nature, intending to sell such article as food or drink without notice to the purchaser or knowing that it is likely that the same will be sold as food or drink without notice to the purchaser, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than Two Hundred and Fifty Thousand Naira or both. Sale of Food or Drink Not Corresponding to Description
153. Whoever sells any article of food or drink which is not of the nature, substance and quality demanded by the purchaser or the article which the seller represents it to be, shall be punished with imprisonment for a term of not less than Three Years or with fine which shall not be less than Two Hundred Thousand Naira or both. Adulteration of Food or Drink Intended for Sale

154. Whoever sells or offers or exposes for sale any article of food or drink, with which any admixture has been fraudulently made to increase the bulk, weight or measure of such article or to conceal the inferior quality thereof, or any article of food or drink, from which any part has been intentionally abstracted so as to affect, injuriously, its quality, substance or nature, without notice to the purchaser, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than Two Hundred Thousand Naira or both. Sale of Adulterated Food or Drink
155. Whoever sells or offers or exposes for sale as food or drink any article which has been rendered or has become noxious or is in a state unfit for human consumption knowing or having reason to believe that the same is obnoxious or unfit for human consumption, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than Two Hundred Thousand Naira or both. Sale of Noxious Food or Drink
156. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation or to make it noxious, intending that it shall be sold or used for or knowing it to be likely that it will be sold or used for any medicinal purposes as if it had not undergone such adulteration, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both. Adulteration of Drug
157. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy or change its operation or renders it noxious, sells the same or offers or exposes it for sale or issues it from any dispensary for medicinal purposes as unadulterated or causes it to be used for medicinal purposes by any person not knowing of the adulteration shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both. Sale of Adulterated Drug
158. Whoever knowingly sells or offers or exposes for sale or issues from a dispensary for medicinal purposes any drug or medical preparation as a different drug or medical preparation, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both. Sale of Drug as a Different Drug or Preparation



159. Whoever voluntarily corrupts or fouls the water of any public well or reservoir or other public water supply so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Five Hundred Thousand Naira or both.
- Fouling Water of Public Well or Reservoir
160. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Fifty Thousand Naira or both.
- Making Atmosphere Noxious to Health
161. Whoever exhibits any false light, mark or buoy intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Five Hundred Thousand Naira or both.
- Exhibition of False Light, Mark or Buoy
162. Whoever by doing any act or by omitting to keep in order any property in his possession or under his charge causes obstruction to any person in any public way or public line of navigation, shall be punished with imprisonment of not less than Five Years or with fine of not less than Five Hundred Thousand Naira or both.
- Obstruction on Public Way or Line of Navigation
163. Whoever being an employee engaged in any work connected with the public health or safety or with any service of public utility ceases from such work in pre-arranged agreement with any other such employee without giving his employer fifteen days notice of his intention so to do, shall, if the intention or effect of such cessation is to interfere with the performance of any general service connected with public health, safety or utility to an extent which will cause injury or damage or grave inconvenience to the community, shall be punished with imprisonment for a term of not less than Three Months or with a fine of Twenty Thousand Naira or both.
- Employees Engaged on Work of Public Utility Ceasing Work Without Notice
164. Whoever does any act in a manner so rash or negligent as to endanger human life or to be likely to cause bodily harm or injury to any person or property, or knowingly or negligently omits to take such order with any property or substance in his possession or under his control or with any operations under his
- Negligent Conduct Causing Danger to Person or Property



control as is sufficient to guard against probable danger to human life from such property, substance or operations, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

165. Whoever knowingly or negligently omits to control any animal in his possession sufficiently to guard against any probable danger to human life or any probable danger of grievous bodily harm from such animal, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both. Negligent Conduct With Respect to Animal
166. Whoever commits a public nuisance in any case not otherwise punishable by this Law, shall be punished with imprisonment for a term of not less than six months or with fine of not less than Ten Thousand Naira or both. Punishment for Public Nuisance in cases not Otherwise Provided for
167. Whoever repeats or continues a public nuisance, having been ordered by any public servant who has lawful authority to give such order not to repeat or continue such nuisance, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Two Hundred Thousand Naira or both. Continuance of Nuisance After Injunction to Discontinue
168. Whoever to the annoyance of others does any obscene or indecent act by whatever means to the public, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Two Hundred Thousand Naira or both. Obscene or Indecent Acts
169. (1) Whoever keeps or manages a brothel within a residential area or does same by operating an online website for that purpose shall be punished with imprisonment of not less than Five Years or with fine of not less than Five Hundred Thousand Naira. Keeping a Brothel
- (2) Whoever is a prostitute or practices prostitution in a brothel shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira.
- (3) Whoever is involved in prostitution or keeps, manages or maintains any person in a brothel or elsewhere for the

purpose of prostitution, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or with both.

- (4) Without prejudice to the punishments prescribed in any of the subsections of these Section, a Magistrate or other judicial officer shall order the immediate sealing off of the brothel or place used in connection with any offence under this Section for a period of not less than six (6) months and the place so used as a brothel or for prostitution shall be reopened upon the application of the owner who shall give a satisfactory undertaking as to its subsequent legitimate use.

170. (1) Whoever sells or distributes, imports or prints or makes for sale or hire or wilfully exhibits to the public view any obscene book, pamphlet, paper, gramophone record, compact disc, electronic device or similar article, drawing, painting, representation or figure or attempts or offers so to do or has in his possession any such obscene book or other thing for the purpose of sale, distribution or public exhibition, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.

Sales of Obscene Books,  
etc

- (2) And any such articles may be destroyed upon the order of any court by such person as the court may direct.

171. (1) Whoever to the annoyance of others sings, recites, utters or reproduces by any mechanical or electronic means any obscene songs or words in or near any public place, shall be punished with imprisonment for a term not exceeding One (1) year or fine of not less than Fifty Thousand Naira or both.

Obscene Songs, etc

- (2) And where any such songs or words are contained in any device, the device may be destroyed upon the order of any court by such person as the court may direct.

**CHAPTER XIV**  
**LOTTERIES AND GAMING HOUSES**

172. In this chapter:

"Lottery" includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance or lot;

"Lottery Ticket" includes any paper, ticket, token or other article whatsoever which either expressly or tacitly entitles or purports to entitle any person to receive any money or money's worth on the happening of any event or contingency connected with any public lottery;

"Public Lottery" means a lottery to which the public or any class of the public has, or may have, access, and every lottery shall, until the contrary is proved, be deemed to be a public lottery.

173. (1) Whoever without a valid license, keeps any house or place to which the public are admitted for the purpose of betting or playing any game of chance or keeps any office or place for the purpose of drawing any lottery or assists in the conduct of any such house or place or office without valid license shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira or both.

Keeping Gaming House or  
Lottery Office

**PROVIDED** always that, nothing herein contained shall make illegal, the use of a totalizator by a race club recognized by the State Government at a race meeting with the approval of the Governor.

- (2) In this section the word "Totalizator" means the instrument, machine or contrivance, commonly known as a totalizator, and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

174. (1) Whoever, without any valid license:

Offences Relating to  
Lotteries

- (a) gives or sells or offers for sale or delivers any lottery ticket or pays or receives directly or

indirectly any money or money's worth for or in respect of any chance in or event or contingency connected with a public lottery; or

- (b) draws, throws, declares or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure design, symbol or other result of any public lottery; or
- (c) writes, prints, publishes, or causes to be written, printed, or published any lottery ticket or any announcement relating to a public lottery; or
- (d) advances, furnishes or receives money for the purpose of a public lottery

shall be punished with imprisonment for a term of not less than Six Months and or with fine of not less than Twenty Five Thousand Naira or both.

(2) Nothing in this section shall apply:

- (a) to the sale by raffle or lottery of articles exposed for sale at any gathering held for the purpose of raising funds in aid of any Institution of a public character where permission for such sale shall have been given in writing by the Governor;
- (b) to any lottery or sweep-stake organized or controlled at or in connection with any race meeting held under the auspices of any race club or association in the State which has been exempted from the provisions of this section by the Governor by Notice in the State Gazette;
- (c) to any club which the Governor has granted a license authorizing a lottery to be promoted as an incident of entertainment by a member of the club on the premises of the club and subject to any conditions in the license;
- (d) to any lottery or sweep- stake organized and controlled by any race club in State to which the Governor may by Notice in the State Gazette

extend the provision of this section, at or in connection with any race meeting held under the auspices of any such club or association.

## **CHAPTER XV OFFENCES RELATING TO ANIMALS**

175. Whoever cruelly beats, tortures or ill-treats any tamed or domestic animal or any wild animal which has previously been deprived of its liberty or arranges, promotes or organizes fights between cocks, rams or other domestic animals, shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Twenty Five Thousand Naira or both. Ill-treatment of Domestic Animals
176. Whoever wantonly overrides or overdrives or overloads any animal or wantonly employs any animal, which by reason of age, sickness, wounds or infirmity is not in a condition to work, or neglects any animal in such a manner as to cause it unnecessary suffering, shall be punished with imprisonment for a term of not less than Six Months or with a fine of not less than Twenty Five Thousand Naira or both. Over-riding and Neglect of Animal
177. On conviction of an offence under section 175 or section 176 the Court may in addition to or in substitution for any other penalty make an order for temporary custody by the Police of the animal in respect of which such offence has been committed and may order the person convicted to pay such sum as the Court thinks fit for the maintenance and treatment of such animal and such sum shall be recoverable in the same manner as fine imposed under this Law; or, if such animal is suffering from incurable disease or injury, may order it to be destroyed. Power to Order Temporary Custody or Destruction of Animal

## **CHAPTER XVI OFFENCES RELATING TO RELIGION**

178. Whoever by any means publicly insults or seeks to incite contempt of any religion, by making false statement in such a manner as to be likely to lead to a breach of the peace, shall be Insulting or Inciting Contempt of Religion

punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both.

179. Whoever unlawfully destroys, damages or defiles any licensed place of worship or any place or object held sacred by any person or class of persons with intention of thereby, insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment for a term of not less than five (5) Years or fine of not less than One Hundred Thousand Naira or both. Vandalizing or Defiling Place of Worship
180. Whoever, voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both. Disturbing Religious Assembly
181. Whoever, with the intention of bodily harming the feeling of any person or of insulting the religion of any person or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred and Fifty Thousand Naira or both. Committing Trespass on Place of Worship or Funeral Ceremony
182. Any person who in contravention of this Law: Offences and Punishment
- (a) preaches without a licence;
  - (b) plays religious cassette or uses a loudspeaker for religious purposes between the hours of 11.00 p.m. to 4.00 a.m. in a public place;
  - (c) uses a loudspeaker for religious purposes other than inside a mosque or church and the surrounding areas outside the religiously recognised prayer times;

- (d) uses a loudspeaker in a vehicle plying the street with religious recordings;
- (e) abuses religious books or religious leaders of any faith;
- (f) incites disturbance of the public peace through religious preaching;
- (g) abuses or uses any derogatory term in describing any religion;
- (h) keeps weapons of any description whether concealed or not in places of worship or to any other place with a view to causing religious disturbance;
- (i) vandalises or defiles any place of worship;
- (k) aids and abets the commission of the offences under this Law,

commits an offence and shall on conviction be liable for imprisonment for a term not exceeding two (2) years or to a fine not exceeding two hundred thousand Naira or both.

## **CHAPTER XVII OFFENCES RELATING TO ORDEAL, WITCHCRAFT AND HARMFUL PRACTICE OF RELIGION**

183. Whoever presides or participates in any unlawful trial by ordeal shall be punished: Trial by Ordeal
- (a) with imprisonment of not less than Three Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.
  - (b) where such trial results in the death of any party to the proceeding, shall be punished with death.
184. Whoever promotes harmful practice of religion, insults, intimidates or inflicts injury on any person or subjects a female to harmful traditional practice or of any religion or belief shall be punished: Harmful Practice of Religion and Tradition



- (a) with imprisonment of not less than five (5) years or fine of not less than One Hundred Thousand Naira or both;
- (b) with death, if such practice results in the death of any person.

185. Whoever:

Offences Relating to  
Witchcraft

- (a) by his statement or action represents himself to be a witch, wizard or has the power of witchcraft; or
- (b) accuses or threatens to accuse any person of being a witch or wizard having the power of witchcraft; or
- (c) uses spells, hypnosis or any similar practice against any person against his will;
- (d) offers, gives, distributes or otherwise makes available to a child any book, cartoon, film, or other literature or electronic device the contents of which presents as acceptable or to be desired;
- (e) makes or uses or assists in making or using, practice or has in his possession anything whatsoever the making, use or possession of, for the practice of any religion or belief which can intimidate, insult or cause harm to any person;

shall be punished as provided under section 184 paragraphs (a) and (b) respectively.

186. Whoever knowingly has in his possession any fetish or charm which is pretended or reputed to possess power to protect a person in the committing of any offence shall be punished with imprisonment of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both.

Criminal Charms

187. Whoever knowingly eats or receives for the purpose of eating any part of a human body shall be punished:

Cannibalism

- (a) with imprisonment of not less than Ten Years or with fine of not less than Five Hundred Thousand Naira or both;

- (b) with death if death results from the removal of the human part received, recovered or found in the possession of the accused person.

188. Whoever receives or has in his possession without authority any human part shall be punished with imprisonment for life the duration of the human part found, shall be immaterial.

Unlawful Possession of Human Part

### **CHAPTER XVIII OFFENCES AFFECTING THE HUMAN BODY**

189. Whoever causes death:

Culpable Homicide Defined

- (a) by doing an act with the intention of causing death or such bodily injury as is likely to cause death; or
- (b) by doing an act with the knowledge that he is likely, by such act to cause death; or
- (c) by doing a rash or negligent act, commits the offence of culpable homicide.

190. Except in the circumstances mentioned in section 191, culpable homicide shall be punished with death:

Culpable Homicide Punishable With Death

- (a) where the act by which the death is caused is done with the intention of causing death; or
- (b) where the doer of the act knew or had reason to know that death would be the probable and not only a likely consequence of the act or of any bodily injury which the act was intended to cause.

191. Culpable homicide is not punishable with death:

When Culpable Homicide is Not Punishable With Death

- (1) Where the offender, whilst deprived of the power of self control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident;
- (2) Where the offender, in the exercise in good faith, of the right of private defence of person or property exceeds

the powers given to him by law and causes the death of the person against whom he is exercising such defence without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence;

- (3) Where the offender, being a public servant, acting for the advancement of public justice or being a person aiding a public servant so acting, exceeds the powers given to him by law and causes death by doing an act which, he in good faith believes to be lawful and necessary for the due discharge of his duty as such public servant or for assisting such public servant in the due discharge of such duty and without motive towards the person whose death is caused;
  - (4) Where it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner;
  - (5) When the person whose death is caused, being above the age of eighteen Years suffers death or takes the risk of death with his own consent;
  - (6) Where a woman intentionally causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child; and
  - (7) When a person causes the death of another by doing any rash or negligent act.
192. If a person by doing anything which he intends or knows to be likely to cause death commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Culpable Homicide by  
Causing Death of Person  
Other Than Person Whose  
Death Was Intended

193. Whoever commits culpable homicide not punishable with death, shall be punished with imprisonment for a term of not less than Fourteen Years or with life imprisonment. Culpable Homicide Not Punishable With Death
194. Whoever causes the death of any person by doing any act not amounting to culpable homicide but done with the intention of causing bodily harm or grievous bodily harm shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both. Death Caused When Intention is to Cause Bodily Harm or grievous Bodily Harm Only
195. Whoever causes the death of any person by doing any act not amounting to culpable homicide constitutes an offence punishable with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both. Death cause in act of committing offence.
196. Where any child, any insane person, any delirious person, any idiot or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death. Abetment of suicide of child or insane person.
197. Whoever abets the commission of suicide, shall be punished with life imprisonment. Abetment of suicide.
198. Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with imprisonment for a term of not less than six months. Attempt to commit suicide
199. (1) Whoever does any act not resulting in death with such intention or knowledge and in such circumstance that if he by that act caused death, would be guilty of culpable homicide and shall be punished with imprisonment for life or any less term. Attempt to commit culpable homicide
- (2) When any person, being under sentence of imprisonment for life, commits an offence under this section, shall be punished in accordance with the punishment provided for such offence.
200. Whoever does any act with such intention or knowledge and in such circumstances that, if he by that act caused death, shall be guilty of culpable homicide not punishable with death and accordingly, punished: Attempt to commit culpable homicide not punishable with death

- (a) with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred Thousand Naira or both;
- (b) where bodily harm is caused to any person by such act with imprisonment of not less than One Year or with a fine of not less than fifty thousand Naira (₦50,000.00) or both.
201. Whoever voluntarily causes a woman with a child to miscarry shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Causing Miscarriage
202. Whoever with intent to cause the miscarriage of a woman whether with child or not does any act which causes the death of such woman shall be punished: Death caused by act done with intent to cause Miscarriage
- (a) with imprisonment for a term of not less than Seven Years and shall also be liable to fine of Five Hundred Thousand Naira; and
- (b) where the act is done without the consent of the woman, with imprisonment for a term of not less than Fourteen Years and may extend to life imprisonment and with fine of not less than Five Hundred Thousand Naira.
203. Whoever uses force on any woman and thereby unintentionally causes her to miscarry, shall be punished: Causing miscarriage unintentionally
- (a) with imprisonment for a term of not less than Two Years and not exceeding Three Years or with fine of not less than Fifty Thousand Naira or with both;
- (b) Where the offender knew that the woman was with child, he shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or with both.
204. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth and does by such act prevent that child from being born alive or causes it to die after its birth Act done with intent to prevent child being born alive or to cause it to die after birth

shall, if such an act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

205. Whoever does any act in such circumstance that, if he thereby caused death he would be guilty of culpable homicide, and does by such act causes the death of an unborn child shall be punished with imprisonment for not less than Twenty One Years and may extend to life and shall also be liable to fine of One Hundred Thousand Naira.

Causing death of an unborn child by act amounting to culpable homicide

206. (1) Whoever being the father or mother or having the care of a child or an adult, exposes or leaves such child or an adult in any place with the intention of wholly abandoning such child or an adult without any means of sustenance, shelter or protection, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Two Hundred Thousand Naira or both.

Abandonment of a child or an adult

- (2) Whoever partially exposes or leaves a child or an adult with the intention of partially abandoning such child or an adult, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or with both. This is without prejudice to the recovery of any loss that any other person may have reasonably incurred in respect to the upkeep of the person abandoned.

207. Whoever having the charge or care of a child or an adult and being in a position of authority over him, wilfully ill-treats or neglects him in such way as to cause him suffering shall be punished:

Cruelty to person

- (a) with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both;
- (b) where the ill-treatment or neglect results in serious injury to the health of such child, or such adult, the offender shall be punished with imprisonment for a term of not less than Five Years or with fine of not

less than Two Hundred Thousand Naira or with both.

208. Any person who unlawfully and indecently treats or otherwise molests a child is guilty of an offence and shall be punished with imprisonment for at least five years. Indecent treatment of a child

209. Any person who has sexual intercourse with a child is guilty of an offence and shall be liable to imprisonment for life. Defilement of a child

210. Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child, of the possession of such child, or with intent to steal any article on or in custody of such child: Child stealing

(a) forcibly or fraudulently takes or entices away, or detains the child;

(b) receives or harbours the child, knowing him to have been taken or enticed away or detained;

is guilty of an offence, and shall be liable to imprisonment for a term of not less than fourteen years.

211. Any person who, being the parent, guardian or other person having the lawful care or charge of a child or an adult, wilfully and without lawful or reasonable cause deserts the child or an adult and leaves him without means of support, is guilty of an offence, and shall be punished with imprisonment for a term not less than one Year and shall be liable to fine of not less than One Hundred Thousand Naira without prejudice to the recovery of any cost that any other person may have reasonably incurred with respect to the upkeep of the child or the adult: Desertion of a child or an adult

212. (1) Any person who impregnates a woman and fails, refuses or neglects to contribute to maternity related costs from ante-natal to post-natal stages is guilty of an offence and shall be punished with imprisonment of not less than One Year and shall be liable to fine of not less than Two Hundred Thousand Naira without prejudice to the recovery of any cost that any other person may have reasonably incurred in relation to the upkeep of the woman or girl child. Desertion of Pregnant Woman or Girl Child



(2) For the purpose of this Section, maternity related cost includes all medical expenses, food expenses, reasonable shelter and other necessities.

213. Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Concealment of Birth
214. It is the duty of every person who, as head of a family, has charge of a child, being a member of his household, to provide the necessities of life for such child; he shall be held to have caused any consequence which results to injury to the life or death of the child by reason of any omission to perform that duty, whether the child is helpless or not and shall be punished with fine of not less than Ten Thousand Naira or imprisonment for a term not less than Three Months. Duty of Head of Family
215. Whoever causes bodily pain, disease or infirmity to any person is said to cause bodily harm. Bodily Harm Defined
216. The following kinds of harm are designated as grievous: Grievous Bodily Harm Defined
- (a) emasculation;
  - (b) permanent deprivation of the sight of an eye, or the hearing of an ear;
  - (c) deprivation of any member or joint;
  - (d) destruction or disfiguration of the head or face;
  - (e) permanent disfiguration of the head or face;
  - (f) fracture or dislocation of a bone or tooth; and
  - (g) any harm which endangers life or which causes the sufferer to be in severe bodily pain or unable to follow his ordinary pursuits.

217. Whoever does any act with the intention of thereby causing harm to any person or with the knowledge that he is likely thereby to cause harm to any person and does thereby cause harm to any person, is said to voluntarily cause harm. Voluntary causing harm defined
218. Whoever voluntarily causes harm, if the harm which he intends to cause or knows himself to be likely to cause is grievous harm and if the harm which he causes is grievous harm, is said to voluntarily cause grievous harm. Voluntarily causing grievous harm defined
219. Whoever voluntarily causes harm on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause harm to any person other than the person who gave the provocation, shall be punished with imprisonment for a term of not less than One month or with fine of not less than Ten Thousand Naira or both. Voluntarily causing harm on provocation
220. Whoever voluntarily causes grievous harm on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous harm to any person other than the person who gave the provocation, shall be punished with imprisonment for a term of not less than Three Years or with a fine of not less than Fifty Thousand Naira or both. Voluntarily causing grievous harm on provocation
221. Whoever, except in the case provided for by section 219, voluntarily causes harm, shall be punished with imprisonment for a term of not less than Five Years or with a fine of not less than Fifty Thousand Naira or both. Voluntarily causing harm without provocation
222. Whoever, except in the case provided for by section 220, voluntarily causes grievous harm, shall be punished with imprisonment for a term of not less than Five Years and shall also be liable to fine of not less than Five Hundred Thousand Naira. Voluntarily causing grievous harm without provocation
223. (1) Whoever, except in the case provided for by section 219, voluntarily causes harm by means of any instrument for shooting, stabbing or cutting or any instrument, which if used as a weapon of offence is likely to cause death, or by means of fire or any heated substance or by means of electricity or by means of any corrosive or explosive substance or by the administration of any poisonous or deleterious substance or by means of any animal, shall be punished with imprisonment for a term of not less than Voluntarily causing bodily harm or grievous bodily harm by dangerous means.

Seven Years or with a fine of not less than One Hundred Thousand Naira or both.

- (2) Whoever, except in the case provided for by section 220, voluntarily causes grievous harm by any of the means mentioned in subsection(1) shall be punished with imprisonment for not less than Seven Years and shall also be liable to a fine of not less than One Hundred Thousand Naira.

224. Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug or thing with intent to cause harm to that person or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause harm, shall be punished with imprisonment for a term of not less than Five Years and shall also be liable to a fine of not less than One Hundred Thousand Naira.

Causing harm by means of poison with intent to commit an offence

225. (1) Whoever voluntarily causes harm for the purpose of extorting from any person harm or from any person interested in the person harmed any property or document of title or of constraining the person harm or any person interested in the person harmed to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment for a term of not less than Seven Years and a fine of not less than Two Hundred Thousand Naira.

Voluntarily causing harm to extort property or to constrain to commit an illegal act

(2) Whoever for the like purpose voluntarily causes grievous harm shall be punished with imprisonment for a term which shall not be less than Ten Years and shall also be liable to fine of not less than Five Hundred Thousand Naira.

226. (1) Whoever voluntarily causes harm for the purpose of extorting from the person harmed or any person interested in the person bodily harm any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the person harmed or any person interested in the person harmed to restore or to cause the restoration of any property or document of title or to satisfy any claim or demand or to give information which may lead to the

Voluntarily causing harm to extort confession or to compel restoration of property

restoration of any property or document of title, shall be punished with imprisonment for a term of not less than Seven Years and shall also be liable to a fine of not less than Two Hundred Thousand Naira.

- (2) Whoever for the like purpose voluntarily causes grievous harm, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine.
  - (3) Whoever causes permanent or partial damage or deformity to, or burns, or maims, or disfigures, or disables any part or parts of the body of a person, or causes grievous harm by throwing acid on, or by administering acid to that person, or by using any other means with the intention of causing, or with the knowledge that he is likely to cause such injury or harm, shall be punished with imprisonment for a term of not less than Fourteen Years and with fine of not less than five Hundred Thousand Naira
  - (4) Whoever throws or attempts to throw acid or any substance with corrosive effect on the human body on any person, or attempts to administer acid to any person, or attempts to use any other means with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous harm to that person, shall be punished with imprisonment for a term of not less than Five Years, and shall also be liable to fine of not less than five hundred thousand naira
227. (1) Whoever voluntarily causes harm to any person being a public servant in the discharge of his duty as such public servant or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or both.
- (2) Whoever in the like circumstance with the like intent or for like reason voluntarily causes grievous harm to any

Voluntarily causing harm or grievous harm to deter public servant from his duty

person being a public servant, shall be punished with imprisonment for a term of not less than Five Years, and shall also be liable to fine of not less than One Hundred Thousand Naira.

228. (1) Whoever causes harm to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment for a term of not less than One Year, and shall also be liable to a fine of not less than Twenty Five Thousand Naira or both. Causing harm by act endangering life or personal safety of others
- (2) Whoever in like manner causes grievous harm to any person, shall be punished with imprisonment for a term of not less than Three Years, and shall also be liable to a fine of not less than Five Hundred Thousand Naira.
229. (1) Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said to restrain that person wrongfully. Wrongful restraint defined
- (2) The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not within the meaning of this section.
230. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said to confine that person wrongfully. Wrongful confinement defined
231. Whoever wrongfully restrains any person, shall be punished with imprisonment for a term of not less than Three Months or with fine of not less than Ten Thousand Naira or both. Wrongful restraint
232. Whoever wrongfully confines any person, shall be punished: Wrongful confinement
- (a) with imprisonment for a term of not less than Three Months or with a fine of not less than Ten Thousand Naira or with both; and
- (b) if the wrongful confinement continues for three days or more with imprisonment for a term of not less than One

Year or with a fine of not less than Fifty Thousand Naira or both.

233. Whoever keeps any person in wrongful confinement knowing that a Warrant or Order or Writ for the production or liberation of that person has been duly issued, shall be punished with imprisonment for a term which may extend to Two Years in addition to any term of imprisonment to which he may be liable under any other section under this chapter, and may also be liable to fine of not less than Fifty Thousand Naira. Wrongful confinement after Warrant or Order or Writ issued for production or liberation
234. Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined or to any public servant or that the place of such confinement may not be known to or discovered by any such person or public servant as herein before mentioned, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand in addition to any other punishment to which he may be liable for such wrongful act. Wrongful confinement in secret
235. Whoever wrongfully confines any person for the purpose of extorting from the person confined or from any person interested in the person confined any property or document of title or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Wrongful confinement to extort property or constrain to commit an illegal act
236. Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or document of title or to satisfy any claim or demand or to give information which may lead to the restoration of any property or document of title, shall be punished with imprisonment for a term of not less than Three Years , and shall also be liable to a fine of not less than One Hundred Thousand Naira. Wrongful confinement to extort confession or compel restoration of property

237. A person is said to use force on another if he causes motion, change of motion or cessation of motion to that other or if he causes any substance to come into contact with any part of the other's body or with anything which that other is wearing or carrying or with anything so situated that such contact affects that other's sense of feeling where the person causing any effect abovementioned, causes it: Criminal Force Defined
- (a) by his own bodily power; or
  - (b) by disposing any substance in such a manner that the effect takes place without any further voluntary act on his part or on the part of any other person; or
  - (c) by means of any animal.
238. Whoever intentionally uses force on any person without that person's consent: Use of Criminal Force
- (a) while preparing to commit any offence; or
  - (b) in the course of committing any offence; or
  - (c) intending by the use of such force to cause or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom force is used, is said to use criminal force to that other.
239. Whoever makes any gesture or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. Assault defined
240. Whoever assaults or uses criminal force on any person otherwise than on grave and sudden provocation given by that person, shall be punished: Punishment for assault or criminal force without provocation
- (a) with imprisonment for a term of not less than One Year or with fine of not less than Ten Thousand Naira or both;
  - (b) if grievous bodily harm is caused to any person by such assault or criminal force with



imprisonment of not less than Three Years or with fine of not less than Fifty Thousand Naira or both.

241. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with imprisonment for a term of not less than Three Months or with fine of not less than Ten Thousand Naira or both. Punishment for assault to deter public servant from discharge of his duty
242. Whoever assaults or uses criminal force on any person being a public servant in the execution of his duty as such public servant or with intent to prevent or deter that person from discharging his duty as such public servant or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or both. Assault or criminal force or criminal force with provocation
243. Whoever assaults or uses criminal force on any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or both. Assault or criminal force on woman with intent to outrage modesty
244. Whoever assaults or uses criminal force on any person in attempting to commit theft of any property which that person is then wearing or carrying, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Assault or criminal force in attempt to commit theft of property carried by a person
245. Whoever assaults or uses criminal force on any person in attempting wrongfully to confine that person, shall be punished with imprisonment for a term of not less than One Year or with fine of not less than Twenty Five Thousand Naira or both. Assault or criminal force in attempt to wrongfully confine a person
246. (a) Whoever unlawfully seizes, confines, decoys, instils fears, tricks, abducts or carries away and holds for ransom or reward or otherwise any person, commits the offence of kidnapping. Kidnapping defined
- (b) Whoever is guilty of the offence of kidnapping shall be punished with imprisonment for life.

- (c) If the death of any person occurs as a result of committing the offence of kidnapping, shall be punished with death.
247. (1) Where two or more persons conspire to commit kidnapping and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be guilty of conspiracy to commit kidnapping and is liable on conviction to life imprisonment. Conspiracy, attempt and threat to commit kidnapping
- (2) Where a person intending to commit the offence of kidnapping begins to manifest his intention by some overt acts, but does not fulfil his intention to such an extent as to commit the offence, he shall be guilty of the offence of attempt to commit kidnapping and is liable on conviction to imprisonment for fourteen (14) years without option of fine.
- (3) Whoever intends to commit kidnapping, causes extreme fear to, or threatens any person by means of a letter, fax, e-mail, text message, telephone call or any other method of communication is guilty of an offence and liable on conviction to imprisonment for fourteen (14) years without option of fine.
248. (1) Whoever instigates any person to kidnap a person or intentionally aids, abets or facilitates by any act or omission the commission of the offence of kidnapping is guilty of an offence and is liable on conviction to imprisonment for fourteen (14) years without option of fine. Aiding, abetting or assisting the escape of offender
- (2) Where the offender in subsection (1) of this section is a corporate body shall be liable to pay fine of not less than Ten Million Naira.
249. (1) Whoever allows or permits his premises, building or place belonging or occupied by him or has control over, or a person in lawful possession or occupation by the owner's authority, for the purposes of keeping a kidnapped or abducted person commits an offence and is liable on conviction to imprisonment for Twenty Years without option of fine. Harbouring a kidnapped person, knowingly negotiating to obtain payment and knowingly receiving ransom

(2) Any property involved or used to harbour a kidnapped person shall be liable for forfeiture to the Government or demolished where applicable.

(3) Whoever knowingly negotiates to obtain any ransom for the release of any person who has been kidnapped is guilty of an offence and is liable on conviction to be punished with imprisonment for a term of Ten Years without option of fine.

(4) Whoever receives, has possession of or disposes of any money, property or any proceeds thereof, which has at any time been delivered as ransom in connection with the offence of kidnapping, knowing that the money or property has at any time been delivered as such ransom, is guilty of an offence and liable on conviction to a term of imprisonment for Fourteen Years without option of fine.

250. (1) Whoever puts forward himself overtly or covertly to another to be kidnapped or abducted for the purpose of extracting money, ransom, or for any other reason is guilty of an offence and shall be liable on conviction to a term of imprisonment for Fourteen Years without option of fine.

Arranging for one self's kidnap and false representation as a kidnapped or abducted person

(2) Whoever under false pretence or in any other manner represents himself to be the person kidnapped or abducted, or who has influence, power or ability to obtain the release of person kidnapped or abducted for the purposes of obtaining any ransom or reward, or to extort or extract from another person anything of value, or other consideration, is guilty of an offence and shall be liable on conviction to a term of imprisonment for Fourteen Years without option of fine.

(3) Nothing in this section prohibits a person who, in good faith, believes that he can rescue or obtain the release of a person who has been kidnapped.

251. Whoever, by any means whatsoever, induces any person to go from any place or to do any act with intent that such person may be, or knowing is likely to be forced or seduced to illicit sexual intercourse with another person shall be punished with

Procuration of person

imprisonment of not less than Ten Years and shall also be liable to fine of not less than Two Hundred Thousand Naira.

252. Whoever imports into the State from any country any person with intent that the person may be or knowing it to be likely that the person will be forced or seduced to illicit sexual intercourse with the importer or another person, shall be punished with imprisonment of not less than Ten Years and shall also be liable to fine of not less than Two Hundred Thousand Naira.
- Importation of person from foreign country
253. Whoever knowing that any person has been kidnapped or has been abducted wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person.
- Concealing or keeping in confinement kidnapped or abducted person
254. Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person with intent that such person shall be employed or used for the purposes of prostitution or for any unlawful or immoral purposes or knowing it to be likely that such person will be employed or used for any such purpose, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than Two Hundred Thousand Naira.
- Buying or selling of person for immoral purpose
255. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or with both.
- Unlawful compulsory labour
256. (a) Whoever, for the purpose of exploitation, recruits, transports, harbours, transfers or receives a person or persons by using threats, force or any other form of coercion, abduction, fraud, deception, abuse of power or by inducement, including giving or receiving of payments or benefits in order to obtain the consent of any person having control over the person so recruited, transported, harboured, transferred or received, commits the offence of traffic in persons.
- Traffic in persons
- (b) Whoever commits the offence of traffic in persons shall be punished with imprisonment for a term of not less than Seven Years and shall be liable to fine of not less than One Hundred Thousand Naira.

257. (1) A person is said to commit rape who, save in the case referred to in subsection (2), has sexual intercourse with a person in any of the following circumstances:

Rape, Unnatural and Indecent Offences against the Person

- (a) against her will; or
- (b) without her consent; or
- (c) with her consent, when her consent has been obtained by putting her in fear of death or of bodily harm; or
- (d) with her consent, when the person knows that he is not the person's spouse and that the consent is given because the person believes that he is another man to whom she is or believes herself to be lawfully married; or
- (e) with or without her consent, when she is of unsound mind or below fourteen years old.

- (2) (a) Sexual intercourse by a person with his own spouse is not rape if she has attained puberty
- (b) Penetration is not limited only to penetration by penile shaft, but includes penetration by any object.

258. (1) Whoever commits rape, shall be punished with imprisonment for life.

Punishment for rape

- (2) When a Court is trying the offence of rape, corroboration shall be immaterial where the victim is a child.
- (3) Where the victim is a child below the age of fourteen, the Court shall in addition to the conviction under subsection (1) order that he be listed in the Sex Offenders Register.

259. Whoever has sexual intercourse against the order of nature with any man, woman or animal such as sodomy, lesbianism, or bestiality shall be punished with imprisonment for a term of not less than Twenty One Years and shall also be liable to fine of not less than Two Hundred Thousand Naira.

Unnatural offences

260. (1) Whoever commits an act of gross indecency upon the person of another without his consent or by the use of force or threats compels a person to join with him in the commission of such act, shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira or both.

Acts of gross indecency

**PROVIDED** that, consent given by a child to such an act when done by any person, his teacher, guardian or any person entrusted with his care or education shall not be deemed to be a consent within the meaning of this section.

- (2) A Person is said to have committed gross indecency if he:
- (a) violates or otherwise molests another, or
  - (b) by the use of force or threats compels a person to join him in the commission of such act; or
  - (c) does any act which infringes on the reputation and dignity of another.

261. (1) Any person who detains another person against such person's will or on any premises for the purpose of unlawful sexual intercourse with the person detained, is guilty of an offence and is liable to imprisonment for a term of not less than three Years or with fine of not less than Fifty Thousand Naira or both.

Unlawful detention with intent to have unlawful sexual intercourse

- (2) A person is deemed to detain another person in or on any premises for the purpose of unlawful sexual intercourse if, with intent to compel or induce the person to remain in or on the premises, the person puts the other person in a state or condition which makes it impracticable for the person to leave.
- (3) It is lawful for any person to take any such wearing apparel as may be necessary to enable the person to leave a brothel or any premises upon which the person had been unlawfully detained.

262. (1) Sexual harassment is unwelcome sexual advances, requests for sexual favours, and other visual, verbal or physical conduct of sexual nature which when submitted to or rejected:

Sexual harassment

(a) implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with the person's work or educational performance;

(b) implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions; or

(c) creates an intimidating, hostile or offensive learning or working environment.

(2) Any person who sexually harasses another is guilty of an offence and shall be liable to imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or both.

263. Whoever, being a male or female, by any scientific means or medical operation transposes or trans-sexes himself into the opposite sex to make him look, feel or behave like the opposite sex is guilty of an offence, and shall be punished with imprisonment for life.

Trans-sexual offences

264. Whoever intentionally uses any scientific instrument or medical facility or aids or abets any person in transposing himself into the opposite sex by whatever means or method, is guilty of an offence, and shall be punished with imprisonment for life.

Intentional aiding or abetting transposition into the opposite sex

265. Whoever intentionally attempts to transpose himself into the opposite sex or causes the transposition of any person into the opposite sex is guilty of an offence, and shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Five Hundred Thousand Naira or both.

Attempt to transpose a person into the opposite sex

266. Whoever supplies, provides or allows any medical instrument or medical facility or any landed property to be used for the purpose of transposition of a person into the opposite sex, is guilty of an offence, and shall be punished with imprisonment for a term of not less than fourteen years and the medical

Forfeiture or destruction of property, facility or instrument used for transposition into the opposite sex



instrument or medical facility or the landed property shall be subject to destruction or demolition by or forfeiture to the Government.

267. Whoever manufactures, supplies, sells or distributes, any illicit drink or controlled substance by any name called or banned substances such as marijuana, hard drugs, guskolo or any concoction that intoxicates is guilty of an offence, and shall be punished with imprisonment for a term of not less than Five years or with fine of not less than Two Hundred and Fifty Thousand Naira, and the vessel, container or property used, shall be liable to destruction by or forfeiture to the Government.
268. Whoever sells or causes to be sold any illicit drink or controlled substance by any name called or banned substance such as marijuana, hard drug, guskolo, any substance or concoction that intoxicates to any person, is guilty of an offence, and shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Two Hundred Thousand Naira or both.
269. Whoever consumes, drinks or inhales any illicit drink by any name called or banned substances such as marijuana, hard drug, guskolo, any substance or concoction that intoxicates is guilty of an offence, and shall be punished with imprisonment for a term of not less than three Months or with fine of not less than Ten Thousand naira or both.

Prohibition of illicit drink and banned substances

Prohibition of the sale of illicit drink or banned substance

Punishment for consumption of illicit drink or banned substance

## **CHAPTER XIX OFFENCES AGAINST PROPERTY**

270. (1) Whoever intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to take it with the intention to permanently deprive the owner, is said to commit theft.
- (2) Whoever dishonestly abstracts, obstructs, diverts, consumes or uses any electricity or electric current or water is said to commit theft.

Theft defined

271. Whoever commits theft shall be punished with imprisonment for a term which may extend to Five Years or with fine equivalent to twice the value of the thing stolen, or both. Punishment for theft
272. (1) (a) Whoever forcefully or otherwise takes over, deprives or unlawfully converts to his benefit any cattle from the owner or rarer of such cattle is said to commit the offence of theft of cattle. Theft of cattle
- (b) Any person who commits the offence of theft of cattle shall on conviction be liable to a term of imprisonment for a term of not less than Twenty One Years.
- (2) Where the offender in subsection (1) of this section being armed with offensive weapon or in company of any person so armed attacks or uses any personal violence to any person shall be liable on conviction to be sentenced to life imprisonment.
- (3) In this section "cattle" includes any domestic animal kept or reared for the use and benefit of the owner, or under the custody of the rearer or any person lawfully authorized by the owner to care for them
273. Whoever commits theft in or from any building, tent or vessel, which building, tent or vessel is used as a human dwelling or used for the custody of property, or from any railway carriage, lorry, omnibus or air craft used for the conveyance of passengers or goods, shall be punished with imprisonment for a term of not less than Fifteen Years or with fine of not less than One Hundred and Fifty Thousand Naira or both. Theft in dwelling house, etc.
274. Whoever, being a clerk or servant or being employed in the capacity of a clerk or servant or any other capacity, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Fifty Thousand Naira or both. Theft by clerk or servant of property in possession of master
275. Whoever commits theft having made preparation for causing death or bodily harm or restraint or fear of death or bodily harm or of restraint to any person in order to commit such theft, or in order to effect his escape after the commission of Theft by preparing to cause death, bodily harm or restraint in order to commit theft

such theft or in order to retain property taken by such theft, shall be punished with imprisonment for a term of not less than Fourteen Years and may extend to life imprisonment.

276. Whoever intentionally puts any person in fear of injury to that person or to any other and thereby dishonestly induces the person so put in fear to deliver to him or any other person any money, property or document of title or anything signed or sealed which may be converted into a valuable security, commits extortion. Extortion defined
277. (1) Whoever commits extortion shall be punished with imprisonment for a term of not less than Seven Years and in addition, shall forfeit such money, property or thing so extorted. Punishment for extortion
- (2) Where the offender in section 276 above is a member of the armed forces, police, paramilitary or any other security outfit, he shall be punished with imprisonment for a term of not less than Ten Years, and in addition, shall forfeit such money, property or thing so extorted.
278. Whoever in order to commit extortion puts any person in fear or attempts to put any person in fear of any injury to that person or to any other, shall be punished with imprisonment for a term of not less than Five Years, and in addition, shall forfeit such money, property or thing so extorted. Putting person in fear of injury in order to commit extortion
279. (1) Whoever commits extortion by putting any person in fear of death or of grievous bodily harm to that person or to any other, shall be punished with imprisonment for a term of not less than Fourteen Years, and in addition, shall forfeit such money, property or thing so extorted. Extortion by putting a person in fear of death or grievous bodily harm
- (2) Where the offender is a person subject to section 277 (2) above, he shall be punished with imprisonment for a term of not less than Twenty One Years, and in addition, shall forfeit such money, property or thing so extorted.
280. Whoever commits extortion by putting any person in fear of an accusation against that person or any other of having committed or attempted to commit any offence punishable with death or with imprisonment for a term which may extend to Ten Years or of having attempted to induce any other person to
- Extortion by threat of accusation of an offence punishable with death

commit such offence, he shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira.

281. (1) In any robbery there is either theft or extortion.

Robbery defined

(2) Theft is robbery if, in order to commit the theft or in committing the theft or in carrying away or attempting to carry away property obtained by the theft, the offender for that end causes or attempts to cause to any person death or bodily harm bodily harm or wrongful restraint or fear of instant death or of instant bodily harm bodily harm or of instant wrongful restraint.

(3) Extortion is robbery, where the offender at the time of committing the extortion is in the presence of the person put in fear and commits the extortion by putting that person in fear of instant death, instant bodily harm bodily harm or instant wrongful restraint to that person or to some other person and by so putting in fear induces the person so put in fear then and there to deliver up the thing extorted.

282. When five or more persons conjointly commit or attempt to commit a robbery or where the whole number of persons conjointly committing or attempting to commit a robbery and persons present and aiding such commission or attempt amount to five or more, every person so committing, attempting or aiding is said to commit brigandage.

Brigandage defined

283. (1) Whoever commits the offence of robbery shall be punished with imprisonment for a term of not less than Twenty One Years.

Punishment for robbery

(2) Where:

(a) the offender mentioned in subsection (1) of this section is armed with any firearm or any offensive weapon, or is in company of any person so armed; or

(b) at, or immediately before, or immediately after the time of the robbery, the said offender wounds or

uses any personal violence against any person the offender shall be liable to be sentenced to death.

284. Whoever attempts to commit robbery shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Punishment for attempted robbery
285. If any person in committing or in attempting to commit robbery causes bodily harm, such person and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for a term of not less than Twenty One Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Causing bodily harm in committing robbery
286. Whoever commits brigandage shall be punished with imprisonment for a term of not less than Twenty One Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Punishment for Brigandage
287. If any one of five or more persons, who are conjointly committing brigandage, commit culpable homicide, in so committing brigandage, every one of these persons, shall be punished with death. Brigandage with culpable homicide
288. (1) If, at the time of committing or attempting to commit robbery or brigandage: Robbery or brigandage with attempt to cause death or grievous bodily harm
- (a) the offender uses any offensive weapon or causes grievous bodily harm to any person, or attempts to cause death or grievous bodily harm to any person, the imprisonment with which such offender shall be punished, shall not be less than Fourteen Years with or of at least One Hundred Thousand Naira fine and caning.
  - (b) the offender:
    - (i) wears any article of clothing or equipment, or uses or bears any article of equipment, being or resembling an article of equipment supplied to any of the uniformed services; or

- (ii) uses or attempts or offers to use, or bears any weapon being or resembling a weapon supplied to any of the uniform services; or
- (iii) Uses or attempts or offers to use, or bears any firearm or anything resembling a firearm,

the imprisonment with which such offender shall be punished shall not be less than life, with or without caning.

- (2) In this section:

"Article of Equipment" means any article (apart from firearm) made or adapted for use for causing injury to the person, or intended by the person having it for such use by him and it includes an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel or any piece of wood, metal, glass or stone capable of being used as an offensive weapon;

"Firearm" includes any canon, gun, rifle, carbine, machine-gun, cap-gun, flint-luck gun, revolver, pistol, explosive or ammunition, or other firearm, whether whole or in detached pieces; and

"The Uniformed Services" include the Nigerian Army, the Nigerian Navy, the Nigerian Air force, the Nigerian Police Force and any other security or paramilitary outfit that carry arms.

289. (1) Whoever makes any preparation for committing brigandage, shall be punished with imprisonment for a term of not less than Two Years and shall also be liable to fine of not less than One Hundred Thousand Naira.
- (2) Whoever makes any preparation for committing brigandage punishable under any of the provisions of paragraph (b) of subsection (1) of section 288, shall be punished with imprisonment of not less than Twenty One Years, with or without fine and caning.

Making preparation to  
commit brigandage

290. Whoever belongs to a gang of persons associated for the purpose of habitually committing brigandage, shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Belonging to gang of wandering brigands
291. (1) Whoever belongs to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery and being a gang of brigands, shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Belonging to gang of brigands
- (2) Whoever belongs to a gang of persons associated for the purpose of habitually committing brigandage punishable under any of the provisions of paragraph (b) of subsection (1) of section 288, shall be punished with imprisonment of not less than Twenty One Years, with a fine of at least Two Hundred Thousand Naira and caning.
292. Whoever is one of five or more persons assembled for the purpose of committing brigandage, shall be punished with imprisonment for a term of not less than Fourteen Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Assembling for purpose of committing brigandage
293. Whoever dishonestly misappropriates or converts to his own use any movable property, commits criminal misappropriation. Criminal misappropriation
294. Whoever commits criminal misappropriation, shall be punished with imprisonment for a term of not less than Ten Years or with fine of not less than One Hundred Thousand Naira or with both and in addition, shall forfeit such money, property or thing so misappropriated. Punishment for criminal misappropriation
295. Whoever commits criminal misappropriation of property knowing that the property so misappropriated was in the possession of a deceased person at the time of that person's death and has not since been in the possession of any person legally entitled to such possession shall be punished: Criminal misappropriation of property possessed by deceased person at the time of his death
- (a) with imprisonment for a term which shall not be less than Five Years and shall also be liable to fine of not less than



One Hundred Thousand Naira and in addition, shall forfeit such money, property so appropriated.

(b) where the offender at the time of such person's death was employed by him as clerk or servant, with imprisonment for a term which shall not be less than Five Years and shall also be liable to fine of not less than One Hundred Thousand Naira, and in addition, shall forfeit such money, property or thing so misappropriated.

296. Whoever, being in any manner entrusted with property or any other thing, or with any dominion over property or any other thing, dishonestly misappropriates or converts to his own use that property or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged or of any legal contract express or implied, which he has made regarding the discharge of such trust, or wilfully suffers any other person so to do, commits criminal breach of trust. Criminal breach of trust
297. Whoever commits criminal breach of trust, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Two Hundred Thousand Naira or both. Punishment for criminal breach of trust
298. Whoever, being entrusted with property as a carrier, wharfinger or warehouse keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than Two Hundred Thousand Naira or both. Criminal breach of trust by carrier, etc.
299. Whoever, being a clerk or servant or employed as a clerk or servant and being in any manner entrusted in such capacity with property or any other thing, or with any dominion over property or any other thing, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for a term of not less than Seven Years and shall also be liable to fine of not less than Two Hundred Thousand Naira. Criminal breach of trust by clerk or servant
300. Whoever, being in any manner entrusted with property or with any dominion over property in his capacity as a public servant or in the way of his business as a banker, broker, legal practitioner or agent, commits criminal breach of trust in respect of that property shall be punished with imprisonment of Criminal breach of trust by public servant or by banker, merchant or agent

not less than Fourteen Years and shall also be liable to fine of not less than Two Hundred and Fifty Thousand Naira.

301. Any Property, the possession whereof has been transferred by theft or by extortion or by robbery, and any property, which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is stolen property, whether the transfer was made or the misappropriation or breach of trust was committed within the State or elsewhere, but if such property subsequently comes into possession of a person legally entitled to the possession thereof, it then ceases to be stolen property. Stolen property
302. Whoever dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment for a term of not less than Fourteen Years or with fine of not less than One Hundred Thousand Naira or both. Dishonesty receiving stolen property
303. Whoever dishonestly receives or retains any stolen property the possession whereof he knows or has reason to believe to have been transferred by the commission of brigandage or robbery or dishonestly receives from a person whom he knows or has reason to believe to belong or to have belonged to a gang of brigands or robbers, which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life. Dishonesty receiving property stolen in the commission of brigandage or robbery
304. Whoever voluntarily assists in concealing or disposing or of making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Fifty Thousand Naira or both. Assisting in concealment of stolen property
305. Whoever knowingly has in his possession or under his control anything which is reasonably suspected of having been stolen or unlawfully obtained and who does not give an account to the satisfaction of a Court of justice as to how he came by it shall be punished with imprisonment of not less than Two Years or fine of not less than Thirty Thousand Naira or with both and the property shall be forfeited to the Government. Having possession of thing reasonably suspected of being stolen

306. Whoever by deceiving any person:

Cheating defined

- (a) fraudulently or dishonestly induces the person so deceived to deliver any property to himself or other any person or to consent that any person shall retain any property; or
- (b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property; is said to cheat.

307. Whoever cheats shall be punished with imprisonment of not less than Ten Years or with fine of not less than Two Hundred Thousand Naira or both.

Punishment for cheating

308. A person is said to cheat by impersonation if he cheats by pretending to be some other person or by knowingly substituting one person for another or representing that he or any other person is a person other than he or such other person really is.

Cheating by impersonation

309. Whoever cheats by impersonation shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

Punishment for cheating by impersonation

310. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law or by a legal contract to protect, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

Cheating a person whose interest offender is bound to protect

311. Whoever cheats and thereby fraudulently or dishonestly induces the person deceived to deliver any property to himself or any person or to make, alter or destroy the whole or any part of a document of title or anything which is signed or sealed and which is capable of being converted, shall be punished with imprisonment for a term of not less than Seven Years and shall be liable to fine of not less than One Hundred Thousand Naira.

Cheating and dishonesty inducing delivery of property

312. Whoever, with intent to cause or knowing that he is likely to cause wrongful loss or damage to the public or to any person

Mischief

causes the destruction of any property or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously commits mischief.

313. Whoever commits mischief shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Twenty Five Thousand Naira and or both. Punishment for mischief
314. Whoever commits mischief by killing, poisoning, maiming, or rendering useless any animal, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than Eighty Thousand Naira or both. Mischief by killing or maiming animal
315. Whoever commits mischief by killing, poisoning, maiming or rendering useless any camel, horse, donkey, or cattle whatever may be the value thereof, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred Thousand Naira or both. Mischief by killing or maiming cattle, etc.
316. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any installation for the supply or distribution of water less efficient for its intended purpose or which causes or which he knows to be likely to cause a diminishing of the supply of water for animals which are the subject of ownership or for any domestic, agricultural or commercial purposes, shall be punished with imprisonment of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Mischief in relation to water supply
317. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel natural or artificial impassable or less safe for travelling or conveying property, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Mischief by injury to public road, bridge, river or channel
318. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage system attended with injury or damage, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred Thousand Naira or both. Mischief by inundation or obstruction to public drainage

319. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any installation for generating, storing, transmitting or distributing electricity or any telecommunication installation less efficient for its intended purpose or which causes or which he knows to be likely to cause a diminishing of any supply of electricity, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Two Hundred and Fifty Thousand Naira or both. Mischief in relation to electricity and telecommunication
320. Whoever commits mischief by destroying or moving any land mark fixed by the authority of a public servant or by any act which renders such land mark less useful as such, shall be punished with imprisonment for a term of not less than Five Years or with fine of not less than One Hundred and Fifty Thousand Naira or both. Mischief by destroying or moving a public land mark
321. Whoever commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property, shall be punished with imprisonment for a term of not less than Seven Years and with fine of not less than Two Hundred and Fifty Thousand Naira. Mischief by fire or explosive with intent to cause damage
322. Whoever commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment for life. Mischief by fire or explosive with intent to destroy house, etc.
323. Whoever commits mischief to any decked vessel or any vessel of a burden of Twenty tons or upwards intending to destroy or render unsafe or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than Two Hundred and Fifty Thousand Naira. Mischief to vessel
324. Whoever commits or attempts to commit by fire or any explosive substance such mischief as is described in section 323, shall be punished with imprisonment for a term of not less than Twenty One Years and fine of not less than Five Hundred Thousand Naira or with life imprisonment. Mischief by fire to vessel

325. Whoever intentionally runs any vessel aground or ashore intending to commit theft of any property contained therein or to misappropriate any such property dishonestly or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment for a term of not less than Seven Years and shall also be liable to fine of Two Hundred Thousand Naira.
- Running vessel aground or ashore with intent to commit theft
326. Whoever commits mischief having made preparation for causing to any person death or bodily harm or wrongful restraint or fear of death or of bodily harm or of wrongful restraint, shall be punished with imprisonment for a term of not less than Twenty One Years and with fine of not less than Five Hundred Thousand Naira or with life imprisonment.
- Mischief committed after preparation made for causing death of bodily harm
327. Whoever enters into or upon any property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any person in possession of such property, or commit an offence, is said to commit criminal trespass.
- Criminal trespass defined
328. (1) Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place of worship or as a place for the custody of property or any railway carriage, motor vehicle or aircraft used for conveyance of passengers or goods, is said to commit house trespass.
- House trespass defined
- (2) For the purpose of this section, "building" means a structure of any kind whether permanent or temporary and includes a hut, store, granary, pound and a compound completely enclosed by a wall or other structure.
329. (1) Whoever commits house trespass, having taken precautions to conceal such house trespass from some person who has a right to exclude or eject the trespasser from the building, tent, vessel, or railway carriage, motor vehicle or aircraft which is the subject of the trespass, is said to commit lurking house trespass.
- Lurking house trespass defined



(2) For the purpose of this section, "building" means a structure of any kind whether permanent or temporary and includes a hut, store, granary, pound and a compound completely enclosed by a wall or other structure.

330. Whoever commits lurking house trespass between sunset and sunrise is said to commit lurking house trespass by night.

Lurking house trespass by night defined

331. A person is said to commit burglary who commits house trespass, if he effects his entrance into the house or any part of it in any of the six ways hereinafter described, or if being in the house or any part of it for the purpose of committing an offence or having committed an offence therein, he exits the house or any part of it in any of such six ways, as follows:

Burglary defined

- (a) if he enters or exits through a passage made by himself or by any abettor of the house trespass in order to commit the house trespass;
- (b) if he enters or exits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance, or through any passage to which he has obtained access by scaling or climbing over any wall or building;
- (c) if he enters or exits through any passage which he or any abettor of the house trespass has opened in order to commit the house trespass by any means by which that passage was not intended by the occupier of the house to be opened;
- (d) if he enters or exits by opening any lock in order to commit the house trespass or in order to quit the house after a house trespass;
- (e) if he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault; or
- (f) if he enters or exits by any passage which he knows to have been locked against such entrance or departure and to have been unlocked by himself or by an abettor of the house trespass.



332. Whoever commits house breaking between sunset and sunrise, is said to commit house breaking by night. House breaking by night defined
333. Whoever commits criminal trespass, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both. Punishment for criminal trespass
334. Whoever commits house trespass shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Twenty Five Thousand Naira or both. Punishment for house trespass
335. (1) Whoever commits house trespass in order to commit any offence punishable with death, shall be punished with imprisonment for a term of not less than Twenty One Years or with life imprisonment. House trespass to commit offence punishable with death
- (2) Whoever commits house trespass in order to commit any offence punishable with Fourteen Years imprisonment, shall be punished with imprisonment for a term not exceeding Ten Years and shall also be liable to fine.
- (3) Whoever commits house trespass in order to commit any offence punishable with imprisonment, shall be punished with imprisonment for a term which may extend to Seven Years and shall also be liable to fine.
336. Whoever commits lurking house trespass or house breaking, shall be punished with imprisonment for a term of not less than Two Years and shall also be liable to fine of One Hundred Thousand Naira. Lurking house trespass or house breaking
337. Whoever commits lurking house trespass by night or house breaking by night, shall be punished with imprisonment for a term of not less than Fourteen Years, and shall also be liable to fine of not less than Two Hundred Thousand Naira. Lurking house trespass or house breaking by night defined
338. If at the time of the commission of lurking house trespass by night or house breaking by night, any person guilty of such offence causes or attempts to cause death or grievous bodily harm to any person, every person jointly concerned in committing such lurking house trespass by night or house breaking by night, shall be punished with imprisonment for a Joint liability for lurking house trespass or house breaking by night where death or grievous bodily harm caused

term of not less than Twenty One Years and with fine of not less than One Hundred Thousand Naira or with life imprisonment.

339. Whoever dishonestly or with intent to commit mischief breaks open or unlocks any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of not less than One Hundred Thousand Naira.

Breaking open receptacle containing property

340. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open same dishonestly or with intent to commit mischief of any offence breaks open or unlocks that receptacle, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred and Fifty Thousand Naira or both.

Breaking open receptacle by person entrusted with custody

341. Whoever is discovered between sunset and sunrise carrying false keys or other instruments suitable for house breaking and seeks to conceal himself or is otherwise shown to have a criminal intention, shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of One Hundred Thousand Naira.

Lurking with house breaking implement

342. Whoever duplicates or alters any key or fabricates any instrument intending that such false key or instrument shall be used for a criminal purpose, shall be punished with imprisonment for a term of not less than Two Years and shall also be liable to fine of not less than One Hundred Thousand Naira.

Fabrication of false key or instrument

## CHAPTER XX FORGERY

343. A person is said to make a false document:

Making a false document defined

- (a) who dishonestly or fraudulently prepares, signs, seals or executes a document or part of a document or causes or brings a document into operation or prepares any mark

denoting the intention of causing it to be believed that such document or part of a document was prepared, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not prepared, signed, sealed or executed or at the time at which he knows that it was not prepared, signed, sealed or executed; or

- (b) who without lawful authority dishonestly or fraudulently by cancellation or otherwise alters or mutilates a document in any material part thereof after it has been made or executed either by himself or by any other person whether such person be living or dead at the time of such alteration; or
- (c) who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document knowing that such person by reason of unsoundness of mind or intoxication, cannot or that by reason of deception practiced upon him, he does not know the contents of the document or the nature of the alteration.

344. Whoever makes any false document or part of a document, with intent to cause damage or injury to the public or to any person or to support any claim or title or to cause any person to part with any property or to enter into any express or implied contract or with intent to commit fraud or that fraud may be committed, commits forgery, and a false document made wholly or in part by forgery is called a forged document.

Forgery and forged document defined

345. Whoever commits forgery shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira.

Punishment for forgery

346. Whoever forges:

Forgery for public seal

- (a) a thing which purports to be the great seal of the Federal Republic of Nigeria or the public seal of Kaduna State Government or of any State Government within the Federal Republic of Nigeria or any seal of the Governor or any Public Officer lawfully appointed to be used to authenticate an act of the State in any part of the State or in Nigeria; or

- (b) a document having on it or affixed to it any such seal, signet or sign-manual or anything which purports to be or is intended by the person to be understood to be, any such seal, signet or sign manual

shall be punished with imprisonment for a term of not less than Twenty One Years and shall also be liable to fine of not less than One Hundred Thousand Naira or life imprisonment.

347. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document. Using as genuine a forged document
348. Whoever makes or counterfeits any seal, plate or other instrument for making an impression intending that the same shall be used for the purpose of committing forgery or with such intent, has in his possession any such seal, plate or other instrument knowing the same to be counterfeit, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Making or possessing counterfeit seal with intent to commit forgery
349. Whoever has in his possession any forged document knowing the same to be forged and intending that the same fraudulently or dishonestly be used as genuine, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Possession of forged record
350. Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material or who with such intent has in his possession any material upon or in the substance of which any device or mark has been counterfeited, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Counterfeiting device or mark used for authenticating documents
351. Whoever fraudulently or dishonestly or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces or attempts to cancel, destroy or deface or Fraudulent cancellation or destruction of document of title

secrete or commit theft in respect of any document which is or purports to be a document of title or a will or commits mischief in respect to any such document, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira.

352. Whoever, being a clerk, officer or servant or in any other capacity, or employed or acting in the capacity of a clerk, officer or servant, or in any other capacity wilfully and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, document of title or account, which belongs to or is in possession of his employer or has been received by him for or on behalf of his employer or wilfully and with intent to defraud, makes or abets the making of any false entry in or omits or alters or abets the omission or alteration of any material particular from or in any such book, paper, writing, document of title or account, shall be punished with imprisonment for a term of not less than Ten Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Falsification of accounts
353. A mark used for denoting that movable property belongs to a particular person is called a property mark. Property mark defined
354. Whoever marks any moveable property or goods or uses any case, package or other receptacle containing movable property or books or uses any case, package or other receptacle having any mark thereon in a manner reasonably calculated to cause it to be believed that the property or goods so marked or any property or goods contained in any such receptacle so marked belongs to a person to whom they do not belong, is said to use a false property mark. Using a false Property Mark defined
355. Whosoever uses any false property mark, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both. Punishment for using a false property mark
356. Whoever counterfeits any property mark used by any other person, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Counterfeiting a mark used by another

357. Whoever counterfeits any property mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place or that the property is of a particular quality or has passed through a particular office or that it is entitled to any exemption or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of not less than One Hundred Thousand Naira.
- Counterfeiting a mark used by a public servant
358. Whoever makes or has in his possession any dye, plate or other instrument for the purpose of counterfeiting a property or has in his possession a property mark for the purpose of denoting that any goods belongs to a person to whom they do not belong, shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of not less than One Hundred Thousand Naira.
- Making or possession of any instrument for counterfeiting a property mark
359. Whoever makes any false mark upon any case, package or other receptacle containing goods in any manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain or that the goods contained in such receptacle are of a nature of quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than One Hundred Thousand Naira or both.
- Making of false mark upon any receptacle containing goods
360. Whoever makes use of any such false mark in any manner prohibited by section 359, shall unless he proves that he acted without intent to defraud, be punished as if he had committed an offence under Section 359.
- Making use of any such false mark
361. Whoever removes, destroys, defaces or adds to any property mark intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment for a term of not less than One Year or with fine of not less than Ten Thousand Naira or both.
- Tampering with property mark



**CHAPTER XXI**  
**CRIMINAL BREACH OF CONTRACT OF SERVICE**

362. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place or to act as servant to any person during a voyage or journey or to guard any person or property during the voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both. Breach of contract of service during voyage or journey
363. Whoever, being bound by a lawful contract to attend to or to supply the wants of any person, who by reason of age or of unsoundness of mind or of disease or bodily weakness is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment for a term of not less than Two Years and or with fine of not less than Fifty Thousand Naira or both. Breach of contract to attend to and supply wants of helpless person

**CHAPTER XXII**  
**OFFENCES RELATING TO MARRIAGE AND INCEST**

364. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment for a term of not less than Ten Years or with fine of not less than Two Hundred Thousand Naira or both. Deceitful inducing belief of lawful marriage
365. (1) Whoever having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment for a term of not less than seven years and shall also be liable to fine of not less than One Hundred Thousand Naira. Bigamy

**PROVIDED** that, the former marriage was conducted under the Marriage Act or by a registered and licensed Church.



(2) This section shall not extend:

- (a) to any person whose marriage with such husband or wife has been legally dissolved; or
- (b) to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife at the time of the subsequent marriage shall have been continually absent from such person for the span of Seven Years and shall not have been heard of by such person as being alive within that time, provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom the subsequent marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

366. Whoever commits the offence defined in section 365 of having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment for a term of not less than Seven Years and shall also be liable to fine of not less than One Hundred Thousand Naira. Re-marriage with concealment for former marriage
367. Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married knowing that he is not thereby lawfully married, shall be punished with imprisonment for a term of not less than Three Years or with fine of not less than Fifty Thousand Naira or both. Marriage ceremony fraudulently gone through without lawful marriage
368. Whoever, has sexual intercourse with a person who is not and whom the person knows or has reason to believe is not the person's spouse, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery and shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Punishment for adultery
369. Whoever takes or entices away any person, who is and whom the person knows or has reason to believe to be the spouse of any other person, from that person having or from any person having the care on behalf of that person, with intent that the person may have illicit intercourse with him or any other person, or conceals or detains with intent that any person may Enticing or Taking Away or Detaining With Criminal Intent as a Spouse

have sexual intercourse with him or any other person, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.

370. Whoever being a male has intercourse with a female who is and whom he knows or has reason to believe to be his daughter, his granddaughter, his female ascendants or descendants, his sister or the daughter of his brother or sister or his paternal or maternal aunt and whoever being a female voluntarily permits a male who is and whom she knows or has reason to believe, to be her son, her grandson, her father or any other of her male ascendants or descendants, her brother or the son of her brother or sister or her paternal or maternal uncle to have sexual intercourse with her, shall be punished with imprisonment for a term of not less than Fourteen Years and shall be liable to fine of not less than One Hundred Thousand Naira.
- Incest

### **CHAPTER XXIII DEFAMATION**

371. (1) Whoever by words either spoken or reproduced by mechanical or electronic means or by means of internet communication intended to be read or by signs or by visible representations makes or publishes any imputation concerning a person intending to harm or knowing or having reason to believe that such imputation will harm the reputation of such person is said, save in the cases hereafter listed excepted under subsection (2) to defame that person.
- Defamation Defined and  
Exceptions Thereto
- (2) It is not defamation:
- (i) to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published; whether or not it is for the public good is a question of fact;
  - (ii) to express in good faith based on fact, any opinion whatever respecting 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;

- (iii) to express in good faith any opinion based on fact in respect of the conduct of any person regarding any public question and in respect of his character so far as his character appears in that conduct and no further;
- (iv) to publish a substantially true report of the proceedings of a Court of justice or of the result of any such proceedings;
- (v) to express in good faith any opinion based on fact in respect of the merits of any case, civil or criminal which has been decided by a Court or in respect of the conduct of any person as a party, witness or agent in any such case or in respect of the character of such person as far as his character appears in that conduct and no further;
- (vi) to express in good faith any opinion in respect of the merits of any performance which its author has submitted to the judgment of the public or in respect of the character of the author so far as his character appears in such performance and no further;
- (vii) in a person having over another any authority either conferred by law or arising out of a lawful contract made with that other to pass in good faith any censure on the conduct of that other in matters to which lawful authority relates;
- (viii) to 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 of the accusation;
- (ix) to make an imputation on the character of another, provided that the imputation 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;

- (x) to 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.

372. Whoever defames another shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both.

Punishment for  
Defamation

373. (1) Whoever, save as hereinafter excepted, by words either spoken or reproduced by mechanical or electronic means or by means of internet communication or intended to be read or signs or by visible representations makes or publishes any false statement of fact intending to harm or knowing or having reason to believe that such false statement of fact will harm the reputation of any person or class of persons or of the State Government or of any Local Government Council in the State, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

Injurious Falsehood

(2) It is not an offence under this section, to make or publish in good faith a false statement of fact which the accused had reasonable grounds for believing to be substantially true, and proof that he had such reasonable grounds shall lie on the accused.

374. Whoever prints, engraves, or publishes on an online social media or circulates or passes any matter or prepares or causes to be prepared any matter, knowing or having good reason to believe that such matter is defamatory to any person, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

Printing or Engraving  
Matter Known to be  
Defamatory

375. Whoever sells or offers for sale any printed, engraved or circulated substance containing defamatory matter or any record prepared for the purpose of the mechanical or electronic reproduction of defamatory matter, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than One Hundred Thousand Naira or both.

Sale of Printed or Engraved  
Substance Containing  
Defamatory Matter

**CHAPTER XXIV**  
**CRIMINAL INTIMIDATION, INSULT,**  
**ANNOYANCE AND DRUNKENNESS**

376. Whoever threatens another with any injury to his person, reputation or property or to the reputation or property of anyone in whom that person is interested, with intent to cause harm to that person or to cause that person to do anything which he is not legally bound to do or to omit to do any act which he is legally entitled to do as the means of avoiding the execution of such threats, commits criminal intimidation. Criminal Intimidation Defined
377. Whoever commits the offence of criminal intimidation shall be punished: Punishment for Criminal Intimidation
- (a) with imprisonment for a term which shall not be less than Two Years or with fine of not less than Fifty Thousand Naira or both;
  - (b) if the threat is to cause death or grievous bodily harm or to cause the destruction of any property by fire or to cause an offence punishable with death or with imprisonment for a term which shall extend to Seven Years or to impute unchastity to any woman, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred Thousand Naira or both.
378. Whoever commits the offence of criminal intimidation by an anonymous communication or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment for a term of not less than Seven Years or with fine of not less than One Hundred Thousand Naira or both. Criminal Intimidation by an Anonymous Communication
379. Whoever uses insulting or abusive language or otherwise conducts himself towards any person or any member of such class or group of persons, whether such person or any member of such class or group is present or not, in a manner likely to give such provocation to any person present as to cause such last mentioned person to breach the public peace or to commit any other offence, shall be punished with imprisonment for a term of not less than Two Years or with fine of not less than Fifty Thousand Naira or both. Use of Insulting or Abusive Language, etc.

380. Whoever intending to insult the modesty of any person utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be seen by such person or intrudes upon the privacy of such person, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Ten Thousand Naira or both. Word, Gesture or Act Intended to Insult the Modesty of a Person
381. Whoever is found drunk in a public place or in any other place by entering which he committed by trespass, shall be punished: Drunkenness in Public Place
- (a) with imprisonment for a term of not less than six months or with fine, or both;
  - (b) if the person so found conducts himself in such place in a disorderly manner or is incapable of taking care of himself, with imprisonment for a term of not less than One Year or with fine of not less than Twenty Five Thousand Naira or both.
382. Whoever being drunk in a private place and who conducts himself in a disorderly manner to the annoyance of any person having a right to exclude him from such place or fails to leave such place when requested to do so by such person, shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Fifty Thousand Naira or both. Drunkenness in Private Place
383. Whoever drinks anything containing alcohol other than for a medicinal purpose shall be punished with imprisonment for a term which may extend to One Month or with fine which may extend to Ten Thousand Naira or both. Drinking Alcoholic Drink
384. Whoever is convicted of an offence under section 381, 382, or 383 shall, if he is shown to have been convicted of an offence under any of such sections within the previous Six Months, be punished: Effect of Previous Convictions Under Section 381, 382 or 383
- (a) With imprisonment or fine which may extend to twice the maximum fine prescribed for the offence of which he is convicted; and

- (b) If he is shown to have been convicted of two or more such offences within the like period, then with imprisonment or fine which may extend to three times the maximum imprisonment or maximum fine aforesaid or with both.

**CHAPTER XXV  
IDLE PERSON AND VAGABOND**

385. In this chapter:

Idle Person and  
Vagabond Defined

- (1) The term "idle person" shall include:
- (a) any person who wanders about or places himself in any street or public place to get or gather alms or causes or encourages children to do so;
  - (b) any person who has no means of livelihood or means of subsistence and cannot give a satisfactory account of himself;
  - (c) any common prostitute behaving in a disorderly or indecent manner in a public place or persistently importing or soliciting persons for the purpose of prostitution;
  - (d) any person playing at any game of chance for money or money's worth in any public place;
  - (e) any person who in any street or place of public resort or within sight or hearing of any person therein disturbs the peace by quarrelling or attempting to quarrel or by using any insolent, scurrilous or abusive term of reproach;
  - (f) any person who in any street or place of public resort or within sight or hearing of any person therein with the intention of annoying or irritating any person, sings or otherwise utters any scurrilous or abusive songs or words whether any person be particularly addressed therein or not;



- (g) any person who in any street or place of public resort is guilty of any riotous, disorderly or insulting behaviour to the obstruction or annoyance of any person lawfully using such street or place or any place in the neighbourhood thereof; and
  - (h) any person who in any private or enclosed place is guilty of any riotous, disorderly or insulting behaviour;
  - (i) (a) any person who being able wholly or in part to maintain himself or his family wilfully neglects or refuses to do so.
- (2) The term "vagabond" shall include:
- (a) any person who after being convicted as an idle person commits any of the offences which would render him liable to be convicted as such again;
  - (b) any person who is found in possession of housebreaking implements with intent to commit any of the offences defined in sections 328 to 332 contained in this Law;
  - (c) any suspected person or notorious thief who by night frequents or loiters about any shop, warehouse; dwelling-house, dock or wharf with intent to commit any offence under Chapter XIX of this Law;
  - (d) any person who knowingly lives wholly or in part on the earning of a prostitute or in any public place solicits or importunes for immoral purposes; and
  - (e) any male person who dresses or is attired in the fashion of a woman in a public place or who practices sodomy as a means of livelihood or as a profession.
- (3) An "incorrigible vagabond" means any person who, after his conviction as an idle person, commits any of the offences which would render him liable to be convicted as such again.

386. Whoever is convicted as being an idle person shall be punished with imprisonment for a term which shall not be less than Three Months or with fine of not less than Ten Thousand Naira or with both in the case of a person falling within the provisions of section 383 (1) paragraphs (a), (b), (c), (d), or (e), and in the case of a person falling within the provisions of section 383 paragraphs (f), (g), (h), or (i) with imprisonment for a term of not less than One Year or with fine of not less than Twenty Five Thousand Naira or both.

Penalty on Conviction as  
Idle Person

387. (1) Whoever is convicted as being a vagabond shall be punished with imprisonment of not less than One Year or with fine of not less than Twenty Five Thousand Naira or both.

Penalty on Conviction as  
Vagabond

(2) Whoever is convicted as being an incorrigible vagabond shall be punished with imprisonment which may extend to Three Years or with fine which may extend to Fifty Thousand Naira or both.

388. For the purposes of this Chapter in proving the intent to commit an offence it shall not be necessary to show that the person suspected was guilty of any particular act tending to show this purpose or intent and he may be convicted if from the circumstances of the case and from his known character as proved to the Court before which he is brought it appears to the Court that his intent was to commit such offence.

Evidence of Intent to  
Commit an Offence

## **CHAPTER XXVI THUGS AND THUGGERY**

389. In this chapter "weapon means dangerous articles such as cutlass, matchet, knife, axe, hoes, daggers, rakes, spears, bows and arrows, scissors, needles, piece of wood, horn or any metal by whatever name called that is capable of causing bodily harm.

Weapon Defined

390. Whoever acts as a thug and threatens public or individual peace without any weapon commits the offence of thuggery and shall be punished with imprisonment for a term of not less than One

The Offence of Thuggery  
and Punishment

Year or with fine of not less than One Hundred Thousand Naira or both.

391. Whoever uses any weapon and threatens any individual or public either privately or in a public place commits the offence of political thuggery and shall on conviction be liable to be sentenced to a term of imprisonment of not less than Two Years. Political Thuggery and Punishment
392. (1) Whoever aids, abets, instigates or conspires with any other person or group of persons to cause public disturbance or threaten any person or group of persons commits the offence of sponsoring thuggery. Sponsors of Thuggery and Punishment
- (2) Whoever commits the offence of sponsoring thuggery shall be punished with imprisonment for a term of not less than Two Years without the option of fine
393. Whoever is found in unlawful possession of weapon commits an offence and shall be punished with imprisonment for a term of not less than Six Months or with fine of not less than Fifty Thousand Naira or with both. Unlawful Possession of Weapon

**CHAPTER XXVII  
USE OF PREMISES FOR THE PURPOSE  
OF COMMITTING AN OFFENCE**

394. (1) Whoever allows his premises to be used for the purpose of committing an offence or offences under Chapters XIX and XXVI, of this Law, is said to commit the offence of unlawful use of premises. Unlawful Use of Premises Defined
- (2) Any instrument of title to land issued in respect of any premises within the State, shall be deemed to contain a stipulation that the premises is not to be used for any unlawful purpose.
395. (1) (a) Whoever commits the offence of unlawful use of premises shall be punished with imprisonment for a term of not less than Three Years and shall also be liable to fine of not less than the assessed value of the premises in question. Punishment for Unlawful Use of Premises

- (b) In addition to the punishment in (a) above, the title to the premises, subject of the offence, shall be revoked.
- (2) "premises" under this chapter includes land and landed properties either used as a dwelling house or for any other purpose.

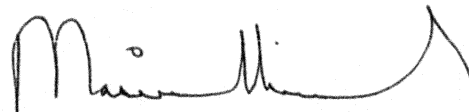
**CHAPTER XXVIII  
FEDERAL OFFENCES AND FIAT OF  
FEDERAL ATTORNEY GENERAL**

396. Any act or omission within the State, the conduct of which is an offence by virtue of any legislation of the Federal Government of Nigeria, shall also be an offence under this Law. Federal Offences Committed Within the State
397. The State may obtain the fiat of the Attorney General of the Federation of Nigeria to prosecute any offence created by any legislation of the Federal Government of Nigeria. Obtaining Fiat of the Attorney General of the Federation

**CHAPTER XXIX  
REPEAL AND SAVINGS**

398. The Penal Code Law (Cap.110), Laws of Kaduna State, 1991 is hereby repealed. Repeal of Penal Code Law (Cap. 110)
399. The Kaduna State Kidnap (Prohibition) Law No. 5 of 2009 is hereby repealed. Repeal of Kidnap (Prohibition) Law, No. 5 of 2009
400. Notwithstanding the provisions of section 396, any act which is an offence established under the Penal Code Law (Cap 110), Laws of Kaduna State, 1991, and in which respect, the prosecution is still pending in any Court, is hereby saved and shall continue to be, until the final determination of such a case under that Law. Saving and Transition

**DATED AT KADUNA** this 29<sup>th</sup> day of May 2017.

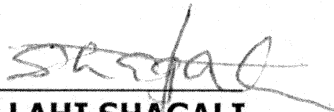
  
**Malam Nasir Ahmad el-Rufa'i,**  
Governor, Kaduna State.

## EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

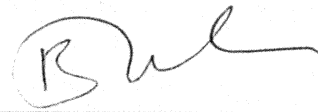
The purpose of this law is to provide a substantive legal instrument that specifies crimes and criminal offences in the State and the punishment and sanctions that are prescribed thereto for their violations.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



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**HON. AMINU ABDULLAHI SHAGALI**  
(Speaker)



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**BELLO ZUBAIRU IDRIS Esq.**  
(Clerk to the Legislature)