

# OFFENCES UNDER THE PENAL CODE

## KEY

.Column-1 section of the law

Column-2 Offence

**Column-3 whether police may arrest without warrant (Cognizable offence) or Not (Non-Cognizable offence)**

Column-4 Punishment

Column-5 Court with jurisdiction to try the offence

N/b

**Column 3** directs the police to arrest without warrant for **cognizable offence**. If the offence is **non-cognizable**, the police

Will not arrest without a warrant of arrest.

By studying the table below, a police officer should be able to differentiate all the cognizable offences

from non-cognizable offences under the penal code.

1	2	3	4	5
Section	Offence	Whether the police may arrest without warrant or not	Punishment under the Penal Code (N.B. —Under section 26(2) of the Penal Code a person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment. Vide also section 36 of the Penal Code.)	Court (in addition to the High Court) by which offence is triable
CHAPTER V – PARTIES TO OFFENCES				
20	Aiding, abetting, counselling or procuring the commission of an offence	May arrest without warrant if arrest for the offence aided, abetted, counselled or procured may be made without warrant but not otherwise	Same punishment as for the offence aided, abetted, counselled or procured	Any court by which the offence aided, abetted, counselled or procured would be triable

Criminal Procedure Code

FIRST SCHEDULE-continued  
CHAPTER VI - PUNISHMENTS

CHAPTER VI – PUNISHMENTS

39(2)	Failing to produce a certificate of competency for endorsement	Shall not arrest without warrant	Fine of six hundred shillings or imprisonment for six months	Any subordinate court.
39(5)(a)	Applying for or obtaining a certificate of competency without disclosing particulars of endorsement	Shall not arrest without warrant	Fine of two thousand shillings or imprisonment for six months or both	Any subordinate court
DIVISION I OFFENCES AGAINST PUBLIC ORDER CHAPTER VII – TREASON AND OTHER OFFENCES AGAINST THE AUTHORITY OF THE REPUBLIC				
40	Treason	May arrest without warrant	Death	
42	Misprision of treason	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, or a senior resident magistrate
43	Treasonable felony	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate, or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

43A	Treachery	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate, or a senior resident magistrate
44	Promoting warlike undertakings	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
46	Dissuasion from enlistment	May arrest without warrant	Fine of five thousand shillings and/or imprisonment for six months	Any subordinate court
47	Inciting to mutiny	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate, or a senior resident magistrate
48	Aiding, etc., to mutiny, etc.	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
49	Inducing desertion	Shall not arrest without warrant	Imprisonment for six months	Any subordinate court

*Criminal Procedure Code*

FIRST SCHEDULE-continued

50(a)	Aiding prisoner of war to escape	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior resident magistrate, a principal magistrate, or a senior resident magistrate
(b)	Permitting prisoner of war to escape	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
53	Printing, etc., prohibited publications	May arrest without warrant	Imprisonment for three years	Any subordinate court
57(1)	Sedition	May arrest without warrant	Imprisonment for ten years	Any subordinate court
(2)	Possessing seditious publication	May arrest without warrant	Imprisonment for seven years	Any subordinate court
(10)	Using or attempting to use printing machine which has been confiscated	May arrest without warrant	Imprisonment for seven years	Any subordinate court
(11)	Printing or publishing newspaper in contravention of order	May arrest without warrant	Imprisonment for seven years	Any subordinate court
59	Presence at and consent to administration of, or taking, oath to commit capital offence	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate, or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

60	Administration of unlawful oaths to commit capital offence	May arrest without warrant	Death	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate, or a senior resident magistrate
61	Administering or taking unlawful oaths to commit other offences	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class
62(1)	Compelling another person to take an oath	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class
(2)	Being present at and consenting to the administering of an oath	May arrest without warrant	Imprisonment for ten years	Any subordinate court
65(1)	Unlawful drilling	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
(2)	Being unlawfully drilled	May arrest without warrant	Imprisonment for two years	Any subordinate court
66	Publishing false reports	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
CHAPTER VIII – OFFENCES AFFECTING RELATIONS WITH FOREIGN STATES AND EXTERNAL TRANQUILITY				
67	Defamation of foreign princes	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

68	Foreign enlistment	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
69	Piracy	May without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate, or a senior resident magistrate
CHAPTER IX – UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES AGAINST PUBLIC TRANQUILITY				
71	Managing unlawful society	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class
72	Being member of unlawful society	May arrest without warrant	Imprisonment for seven years	Any subordinate court
77	Subversive activities	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class
79	Unlawful assembly	May arrest without warrant	Imprisonment for one year	Any subordinate court
80	Riot	May arrest without warrant	Imprisonment for two years	Any subordinate court
83	Rioting after proclamation	May arrest without warrant	Imprisonment for life	Subordinate court of the first class
84	Obstructing proclamation	May arrest without warrant	Imprisonment for life	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

85	Rioters destroying buildings	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate, or a senior resident magistrate
86	Rioters injuring buildings	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
87	Riotously interfering with railway, vehicle or vessel	May arrest without warrant	Imprisonment for two years	Any subordinate court
88	Going armed in public	May arrest without warrant	Imprisonment for two years	Any subordinate court
89	Possession of firearms, etc., to prejudice of public order	May arrest without warrant	Imprisonment for five years	Subordinate court of the first class
90	Forcible entry	May arrest without warrant	Imprisonment for two years	Any subordinate court
91	Forcible detainer	May arrest without warrant	Imprisonment for two years	Any subordinate court
92	Committing affray	May arrest without warrant	Imprisonment for one year	Any subordinate court
93	Challenging to duel	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court



Criminal Procedure Code

FIRST SCHEDULE-continued

94	Offensive conduct conducive to breaches of the peace	May arrest without warrant	Fine of five thousand shillings and/or imprisonment for six months	Any subordinate court
95	Threatening breach of the peace	May arrest without warrant	Imprisonment for six months	Any subordinate court
	Threatening violence	May arrest without warrant	Imprisonment for three years	Any subordinate court
	If the offence committed in the night	May arrest without warrant	Imprisonment for four years	Any subordinate court
96	Incitement to violence and disobedience of the law	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class
97	Assembling for smuggling	May arrest without warrant	Fine of six thousand shillings or imprisonment for six months	Any subordinate court
98	Wrongfully inducing a boycott	May arrest without warrant	Imprisonment for six months	Any subordinate court
DIVISION II OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY CHAPTER X – ABUSE OF OFFICE				
99	Officer discharging duties in respect of property in which he has a special interest	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
100	False claims by person in public service	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
101	Abuse of office	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

	Abuse of office (if for purposes of gain)	Shall not arrest without warrant	Imprisonment for three years	Any subordinate court
102	False certificate by public officers	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
103	Unauthorized administration of oaths	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
104	False assumption of authority	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
105	Personating person in public service	May arrest without warrant	Imprisonment for three years	Any subordinate court
106	Threat of injury to person in public service	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
107	Tampering with public officers	May arrest without warrant	Imprisonment for three years	Any subordinate court
CHAPTER XI – OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE				
108	Perjury or subordination of perjury	Shall not arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
109	False statements by interpreters	May arrest without warrant	The same punishment as for perjury	Subordinate court of the first class
112	Contradictory statements	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
113	Fabricating evidence	Shall not arrest without warrant	Imprisonment for seven years	Subordinate court of the first class

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

114	False swearing	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
115	Deceiving witnesses	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
116	Destroying evidence	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
117	Conspiracy to defeat justice and interference with witnesses	Shall not arrest without warrant	Imprisonment for five years	Any subordinate court
118	Compounding felonies	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
119	Compounding penal actions	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
120	Advertising for stolen property	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
121(1)	Offences relating to judicial proceedings	May arrest without warrant	Imprisonment for three years	Any subordinate court
(2)	If offence committed in view of court	—	Fine of one thousand four hundred shillings	Any subordinate court
CHAPTER XII - RESCUES, ESCAPES, AND OBSTRUCTING OFFICERS OF COURT				
122(1) Rescue—				

## Criminal Procedure Code

## FIRST SCHEDULE-continued

(a)	if person rescued is under sentence of death or imprisonment for life or charged with offences punishable with death or imprisonment for life	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate, or a senior resident magistrate
(b)	if person rescued is imprisoned on a charge or under sentence for any other offence	May arrest without warrant	Imprisonment for seven years	Any subordinate court
(c)	in any other case	May arrest without warrant	Imprisonment for two years	Any subordinate court
123	Escape	May arrest without warrant	Imprisonment for two years	Any subordinate court
124	Aiding escape	May arrest without warrant	Imprisonment for seven years	Any subordinate court
125	Removal, etc., of property under lawful seizure	May arrest without warrant	Imprisonment for three years	Any subordinate court
126	Obstructing court officers	May arrest without warrant	Imprisonment for one year	Any subordinate court
CHAPTER XIII – MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY				
127	Fraud or breach of trust by person in public service	Shall not arrest without warrant	Imprisonment for two years	Subordinate court of the first class

*Criminal Procedure Code*

FIRST SCHEDULE-continued

128	Neglect of official duty	Shall not arrest without warrant	Imprisonment for two years	Subordinate court of the first class
129	False information to person in public service	May arrest without warrant	Imprisonment for three years	Any subordinate court
130	Disobedience of statutory duty	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
131	Disobedience of lawful order	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
132	Undermining authority of public office	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class
133	Destruction, etc., of statutory documents	May arrest without warrant	Fine of five thousand shillings or imprisonment for six months	Any subordinate court
DIVISION III OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL CHAPTER XIV – OFFENCES RELATING TO RELIGION				
134	Insult to religion	May arrest without warrant	Imprisonment for two years	Any subordinate court
135	Disturbing religious assembly	May arrest without warrant	Imprisonment for two years	Any subordinate court
136	Trespassing on burial place	May arrest without warrant	Imprisonment for two years	Any subordinate court
137	Hindering burial of dead body, etc.	May arrest without warrant	Imprisonment for two years	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

138	Uttering words with intent to wound religious feelings	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
CHAPTER XV – OFFENCES AGAINST MORALITY				
140	Rape	May arrest without warrant	Imprisonment with hard labour for life with or without corporal punishment	Subordinate court of the first class
141	Attempted rape	May arrest without warrant	Imprisonment with hard labour for life with or without corporal punishment	Subordinate court of the first class
142	Abduction	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
143	Abduction of girl under sixteen	May arrest without warrant	Imprisonment for two years	Subordinate court of the first class
144(1)	Indecent assault on female	May arrest without warrant	Imprisonment with hard labour for five years with or without corporal punishment	Any subordinate court
(3)	Insulting modesty of female	May arrest without warrant	Imprisonment for one year	Any subordinate court
145(1)	Defilement of girl under fourteen	May arrest without warrant	Imprisonment with hard labour for fourteen years with or without corporal punishment	Subordinate court of the first class
(2)	Attempted defilement of girl under fourteen	May arrest without warrant	Imprisonment with hard labour for five years with or without corporal punishment	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

146	Defilement of idiot or imbecile	May arrest without warrant	without	Imprisonment with hard labour for fourteen years with or without corporal punishment	Subordinate court of the first class
147	Procuration	May arrest without warrant	without	Imprisonment for two years with or without corporal punishment	Subordinate court of the first class
148	Procuring defilements by threats or fraud or administering drugs	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class
149	Householder permitting defilement of girl under thirteen on his premises	May arrest without warrant	without	Imprisonment for five years	Subordinate court of the first class
150	Householder permitting defilement of girl under sixteen on his premises	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class
151	Detention of female for immoral purposes	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class
153	Male person living on earnings of prostitution or soliciting	May arrest without warrant	without	Imprisonment for two years and for each subsequent offence the like imprisonment, with or without corporal punishment	Subordinate court of the first class
154	Woman living on earnings of prostitution or aiding, etc., prostitution	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class
156	Keeping brothels, etc.	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

157	Conspiracy to defile	May arrest without warrant	without	Imprisonment for three years with or without corporal punishment	Subordinate court of the first class
158	Attempt to procure abortion	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
159	Woman attempting to procure her own abortion	May arrest without warrant	without	Imprisonment for seven years	Subordinate court of the first class
160	Supplying drugs or instruments to procure abortion	May arrest without warrant	without	Imprisonment for three years	Subordinate court of the first class
162	Unnatural offences	May arrest without warrant	without	Imprisonment for fourteen years with or without corporal punishment	Subordinate court of the first class
163	Attempt to commit unnatural offence	May arrest without warrant	without	Imprisonment for seven years with or without corporal punishment	Subordinate court of the first class
164	Indecent assault on boy under fourteen	May arrest without warrant	without	Imprisonment for seven years with or without corporal punishment	Subordinate court of the first class
165	Indecent practices between males	May arrest without warrant	without	Imprisonment for five years with or without corporal punishment	Subordinate court of the first class
166(1)	Incest by male	May arrest without warrant	without	Imprisonment for five years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate



Criminal Procedure Code

FIRST SCHEDULE-continued

(2)	If female person is under the age of thirteen years	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
(3)	Attempt to commit incest	May arrest without warrant	Imprisonment for two years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
167	Incest by female	May arrest without warrant	Imprisonment for five years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
CHAPTER XVI – OFFENCES RELATING TO MARRIAGE AND DOMESTIC OBLIGATIONS				
170	Fraudulent pretence of marriage	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

171	Bigamy	May arrest without warrant	Imprisonment for five years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
172	Dishonestly or fraudulently going through ceremony of marriage	May arrest without warrant	Imprisonment for five years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
173	Master not providing for servant or apprentice	Shall not arrest without warrant	Imprisonment for two years	Any Subordinate Court
174	Child stealing	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
CHAPTER XVII – NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE				
175	Committing common nuisance	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
176(3)	Keeping common gaming house	Shall not arrest without warrant	Imprisonment for two years	Any Subordinate Court
(4)	Being found in common gaming house	Shall not arrest without warrant	Fine of three hundred shillings for first offence, and for each subsequent offence a fine of one thousand two hundred shillings or imprisonment for three months or both	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

177	Keeping or permitting the keeping of common betting house	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
178(1)	Carrying on lottery	Shall not arrest without warrant	Imprisonment for six months	Any subordinate court
(2)	Printing or publishing advertisement relating to lottery	Shall not arrest without warrant	Fine of one thousand shillings	Any subordinate court
179	Sending chain letters, etc.	May arrest without warrant Sending chain letters, etc.	Fine of five thousand shillings or imprisonment for six months or both	Any subordinate court
181	Trafficking in obscene publications	May arrest without warrant	Imprisonment for two years or a fine of seven thousand shillings	Any subordinate court
182	Being an idle or disorderly person	May arrest without warrant	Imprisonment for one month or a fine of one hundred shillings or both, and for each subsequent offence, imprisonment for one year	Any subordinate court
183	Being a rogue or vagabond	May arrest without warrant	Imprisonment for three months for first offence, and for each subsequent offence, imprisonment for one year	Any subordinate court
184(1)	Wearing uniform without authority	May arrest without warrant	Imprisonment for one month or a fine of six hundred shillings	Any subordinate court
(2)	Bringing contempt on uniform	May arrest without warrant	Imprisonment for three months or a fine of one thousand two hundred shillings	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

(3)	Importing or selling uniform authority without	May arrest without warrant	without	Imprisonment for six months or a fine of six thousand shillings	Any subordinate court
185(2)	Wearing uniform of public organization without authority	May arrest without warrant	without	Imprisonment for one month or fine of two hundred shillings	Any subordinate court
(3)	Importing or selling uniform of public organization without authority	May arrest without warrant	without	Imprisonment for six months or fine of two thousand shillings	Any subordinate court
186	Doing act likely to spread infection of dangerous disease	May arrest without warrant	without	Imprisonment for two years	Any subordinate court
187	Adulteration of food or drink intended for sale	Shall not arrest without warrant	without	Imprisonment for two years	Any subordinate court
188	Selling, or offering or exposing for sale, noxious food or drink	Shall not arrest without warrant	without	Imprisonment for two years	Any subordinate court
189	Adulteration of drug intended for sale	Shall not arrest without warrant	without	Imprisonment for two years	Any subordinate court
190	Selling adulterated drug	Shall not arrest without warrant	without	Imprisonment for two years	Any subordinate court
191	Fouling water of public spring or reservoir	May arrest without warrant	without	Imprisonment for two years	Any subordinate court

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

192	Making the atmosphere noxious to health	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
193	Carrying on offensive trade	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
CHAPTER XVIII – DEFAMATION				
194	Libel	Shall not arrest without warrant	Imprisonment for two years	Subordinate court of the first class
DIVISION IV OFFENCES AGAINST THE PERSON CHAPTER XIX – MURDER AND MANSLAUGHTER				
202	Manslaughter	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate or a senior resident magistrate
203	Murder	May arrest without warrant	Death	
210	Infanticide	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

## CHAPTER XXI – OFFENCES CONNECTED WITH MURDER AND SUICIDE

220	Attempted murder	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
221	Attempted murder by convict	May arrest without warrant	Imprisonment for life with or without corporal punishment	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
222	Being accessory after the fact to murder	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
223	Threats to kill	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

224	Conspiracy to murder	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
225	Aiding suicide	May arrest without warrant	without	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
226	Attempted suicide	May arrest without warrant	without	Imprisonment for two years	Subordinate court of the first class
227	Concealing birth	May arrest without warrant	without	Imprisonment for two years	Any subordinate court
228	Killing unborn child	May arrest without warrant	without	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate

## Criminal Procedure Code

FIRST SCHEDULE-*continued*  
CHAPTER XXII - OFFENCES ENDANGERING LIFE AND HEALTH

## CHAPTER XXII – OFFENCES ENDANGERING LIFE AND HEALTH

229	Disabling in order to commit felony or misdemeanour	May arrest without warrant	Imprisonment for life with or without corporal punishment	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
230	Stupefying in order to commit felony or misdemeanour	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
231	Doing act intended to cause grievous harm or prevent arrest	May arrest without warrant	Imprisonment for life	Subordinate court of the first class
232	Preventing escape from wreck	May arrest without warrant	Imprisonment for life	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
233	Intentionally endangering safety of person travelling by railway	May arrest without warrant	Imprisonment for life	Subordinate court of the first class



*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

234	Doing grievous harm	May arrest without warrant	Imprisonment for life	Subordinate court of the first class
235	Attempting to injure by explosive substance	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class
236	Administering poison with intent to harm	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class
237	Wounding and similar acts	May arrest without warrant	Imprisonment for five years	Any subordinate court
238	Intimidation and molestation	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class
239	Failing to provide necessaries of life	May arrest without warrant	Imprisonment for three years	Any subordinate court
CHAPTER XXIII – CRIMINAL RECKLESSNESS AND NEGLIGENCE				
243	Rash and negligent acts	May arrest without warrant	Imprisonment for two years	Any subordinate court
244	Other negligent acts causing harm	May arrest without warrant	Imprisonment for six months	Any subordinate court
245	Dealing in poisonous substance in negligent manner	Shall not arrest without warrant	Imprisonment for six months or a fine of six thousand shillings	Any subordinate court
246	Endangering safety of person travelling by railway	May arrest without warrant	Imprisonment for two years	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

247	Exhibiting false light, mark or buoy	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
248	Conveying person by water for hire in unsafe or overloaded vessel	May arrest without warrant	Imprisonment for two years	Any subordinate court
249	Causing danger or obstruction in public way or line of navigation	Shall not arrest without warrant	Fine	Any subordinate court
CHAPTER XXIV – ASSAULTS				
250	Common assault	Shall not arrest without warrant	Imprisonment for one year	Any subordinate court
251	Assault occasioning actual bodily harm	May arrest without warrant	Imprisonment for five years with or without corporal punishment	Any subordinate court
252	Assaulting person protecting wreck	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
253	Various assaults	May arrest without warrant	Imprisonment for five years	Any subordinate court

Criminal Procedure Code

FIRST SCHEDULE-continued

CHAPTER XXV – OFFENCES AGAINST LIBERTY					
257	Kidnapping	May arrest warrant	without	Imprisonment for seven years	Subordinate court of the first class
258	Kidnapping or abducting in order to murder	May arrest warrant	without	Imprisonment for ten years	Subordinate court of the first class
259	Kidnapping or abducting with intent to confine	May arrest warrant	without	Imprisonment for seven years	Subordinate court of the first class
260	Kidnapping or abducting in order to subject to grievous harm, slavery, etc.	May arrest warrant	without	Imprisonment for ten years	Subordinate court of the first class
261	Wrongfully concealing or keeping in confinement kidnapped or abducted person	May arrest warrant	without	Same punishment as for kidnapping or abduction	Subordinate court of the first class
262	Kidnapping or abducting child under fourteen with intent to steal from its person	May arrest warrant	without	Imprisonment for seven years	Subordinate court of the first class
263	Wrongful confinement	May arrest warrant	without	Imprisonment for one year or a fine of fourteen thousand shillings	Any subordinate court
264	Buying or disposing of person as slave	May arrest warrant	without	Imprisonment for seven years	Subordinate court of the first class presided over by a chief magistrate, a principal magistrate or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

265	Habitually dealing in slaves	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
266	Unlawful compulsory labour	May arrest without warrant	Imprisonment for two years	Any subordinate court
DIVISION V OFFENCES RELATING TO PROPERTY CHAPTER XXVI – THEFT				
275	Theft	May arrest without warrant	Imprisonment for three years	Any subordinate court
276	Stealing will	May arrest without warrant	Imprisonment for ten years	Any subordinate court
277	Stealing postal matter, etc.	May arrest without warrant	Imprisonment for ten years	Any subordinate court
278	Stealing stock	May arrest without warrant	Imprisonment for not less than seven and not more than fourteen years with corporal punishment	Any subordinate court
278A	Stealing motor vehicle	May arrest without warrant	Imprisonment for seven years with corporal punishment	Any subordinate court
279	Stealing from the person, in a dwelling house, in transit, etc.	May arrest without warrant	Imprisonment for fourteen years with corporal punishment	Any subordinate court

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

280	Stealing by person in public service	May arrest without warrant	Imprisonment for seven years	Any subordinate court
281	Stealing by clerk or servant	May arrest without warrant	Imprisonment for seven years	Any subordinate court
282	Stealing by director or officer of company	May arrest without warrant	Imprisonment for seven years	Any subordinate court
283	Stealing by agent, etc.	May arrest without warrant	Imprisonment for seven years	Any subordinate court
284	Stealing by tenant or lodger	May arrest without warrant	Imprisonment for seven years	Any subordinate court
285	Stealing after previous conviction	May arrest without warrant	Imprisonment for seven years	Any subordinate court
CHAPTER XXVII – OFFENCES ALLIED TO STEALING				
286	Concealing register	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
287	Concealing will	May arrest without warrant	Imprisonment for ten years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate

## Criminal Procedure Code

## FIRST SCHEDULE-continued

288	Concealing deed	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
289	Killing animal with intent to steal	May arrest without warrant	Same punishment as if the animal had been stolen	Any court by which the theft of the animal would be triable
290	Severing with intent to steal	May arrest without warrant	Same punishment as if the thing had been stolen	Any court by which the theft of the thing would be triable
291	Fraudulent disposition of mortgaged goods	May arrest without warrant	Imprisonment for two years	Any subordinate court
292	Fraudulently dealing with ore or mineral in mine	May arrest without warrant	Imprisonment for five years	Any subordinate court
293	Fraudulent appropriation of mechanical or electrical power	May arrest without warrant	Imprisonment for five years	Any subordinate court
294	Unlawfully using vehicle or animal, etc.	May arrest without warrant	Imprisonment for six months and/or fine of three thousand shillings	Any subordinate court

Criminal Procedure Code

FIRST SCHEDULE-continued  
CHAPTER XXVIII - ROBBERY AND EXTORTION

CHAPTER XXVIII – ROBBERY AND EXTORTION

296(1)	Robbery	May arrest without warrant	without	Imprisonment for fourteen years with corporal punishment	Subordinate court of the first class
(2)	Robbery with violence	May arrest without warrant	without	Death	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
297(1)	Attempted robbery	May arrest without warrant	without	Imprisonment for seven years with corporal punishment	Subordinate court of the first class
(2)	Attempted robbery with violence	May arrest without warrant	without	Death	Subordinate court of the first class presided over by a chief magistrate, a senior principal magistrate, a principal magistrate or a senior resident magistrate
298	Assault with intent to steal	May arrest without warrant	without	Imprisonment for five years	Any subordinate court
299	Demanding property by written threats	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
300	Threatening with intent to extort – in certain specified cases	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
	in any other case	May arrest without warrant	without	Imprisonment for three years	Any subordinate court

*Criminal Procedure Code*FIRST SCHEDULE-*continued*

301	Procuring execution of deeds, etc., by threats	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class
302	Demanding property with menaces with intent to steal	May arrest without warrant	Imprisonment for ten years	Any subordinate court
CHAPTER XXIX – BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES				
304(1)	Housebreaking	May arrest without warrant	Imprisonment for seven years	Any subordinate court
(2)	Burglary	May arrest without warrant	Imprisonment for ten years with corporal punishment	Any subordinate court
305(1)	Entering dwelling house with intent to commit felony	May arrest without warrant	Imprisonment for five years	Any subordinate court
(2)	If offence is committed in the night	May arrest without warrant	Imprisonment for seven years	Any subordinate court
306	Breaking into building and committing felony	May arrest without warrant	Imprisonment for seven years with corporal punishment	Any subordinate court
307	Breaking into building with intent to commit felony	May arrest without warrant	Imprisonment for five years	Any subordinate court
308(1)	Armed preparation for felony	May arrest without warrant	Imprisonment with hard labour for not less than ten or more than fourteen years together with corporal	Any subordinate court



*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

(2)	Possession of certain articles	May arrest without warrant	without	Imprisonment with hard labour for five years or for ten years after previous conviction of a felony relating to property	Any subordinate court
(3)	Other preparation for felony	May arrest without warrant	without	Imprisonment with hard labour for five years or for ten years after previous conviction of a felony relating to property	Any subordinate court
311(4)	Damaging or unlawfully removing detained aircraft, vessel or vehicle	May arrest without warrant	without	Imprisonment for two years	Any subordinate court
CHAPTER XXX – FALSE PRETENCES					
313	Obtaining property by false pretence	May arrest without warrant	without	Imprisonment for three years	Any subordinate court
314	Obtaining execution of security by false pretence	May arrest without warrant	without	Imprisonment for three years	Any subordinate court
315	Cheating	May arrest without warrant	without	Imprisonment for three years	Any subordinate court
316	Obtaining credit, etc., by false pretence	May arrest without warrant	without	Imprisonment for one year	Any subordinate court
317	Conspiracy to defraud	May arrest without warrant	without	Imprisonment for three years	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

318	Fraud on sale or mortgage of property	May arrest without warrant	Imprisonment for two years	Any subordinate court
319	Pretending to tell fortunes	May arrest without warrant	Imprisonment for one year	Any subordinate court
320	Obtaining registration, etc., by false pretence	May arrest without warrant	Imprisonment for one year	Any subordinate court
321	False declaration for passport	May arrest without warrant	Imprisonment for two years	Any subordinate court
CHAPTER XXXI – RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES				
322(2)	Handling stolen property	May arrest without warrant	Imprisonment with hard labour for not less than seven or more than fourteen years	Any subordinate court
323	Failing to account for possession of property suspected to be stolen or unlawfully obtained	May arrest without warrant	Imprisonment for two years	Any subordinate court
324(2)	Unlawful possession of Government or Railway stores	May arrest without warrant	Imprisonment for two years	Any subordinate court
(3)	Unlawful possession of service stores	May arrest without warrant	Imprisonment for two years	Any subordinate court
325(2)	Failing to account for possession of property	Shall not arrest without warrant	Fine of one thousand four hundred shillings or imprisonment for six months	Any subordinate court

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

326	Receiving goods stolen outside Kenya	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
CHAPTER XXXII – FRAUDS BY TRUSTEES AND PERSONS IN A POSITION OF TRUST, AND FALSE ACCOUNTING				
327	Fraudulently disposing of trust property	May arrest without warrant	Imprisonment for seven years	Any subordinate court
328	Fraudulent appropriation or accounting by director or officer	May arrest without warrant	Imprisonment for seven years	Any subordinate court
329	False statement by official or corporation	May arrest without warrant	Imprisonment for seven years	Any subordinate court
330	Fraudulent false accounting by clerk or servant	May arrest without warrant	Imprisonment for seven years	Any subordinate court
331	False accounting by public officer	May arrest without warrant	Imprisonment for two years	Any subordinate court
DIVISION VI MALICIOUS INJURIES TO PROPERTY CHAPTER XXXIII – OFFENCES CAUSING INJURY TO PROPERTY				
332	Arson	May arrest without warrant	Imprisonment for life	Subordinate court of the first class
333	Attempt to commit arson	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class
334	Setting fire to crops or growing plants	May arrest without warrant	Imprisonment for fourteen years	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

335	Attempting to set fire to crops or growing plants	May arrest without warrant		Imprisonment for seven years	Subordinate court of the first class
336	Casting away vessel	May arrest without warrant		Imprisonment for fourteen years	Subordinate court of the first class presided over by a chief magistrate, senior principal magistrate, a principal magistrate or a senior resident magistrate
337	Attempt to cast away vessel	May arrest without warrant		Imprisonment for seven years	Subordinate court of the first class
338	Killing or wounding animal—				
(a)	if stock as defined in section 278 of the Penal Code	May arrest without warrant		Imprisonment for fourteen years	Subordinate court of the first class
(b)	in any other case	May arrest without warrant		Imprisonment for three years	Subordinate court of the first class
339(1)	Destroying or damaging property in general	May arrest without warrant		Imprisonment for five years	Any subordinate court
(2)	Destroying or damaging inhabited house or vessel with explosives	May arrest without warrant		Imprisonment for life with or without corporal punishment	Subordinate court of the first class
(3)	Destroying or damaging river bank or wall, or navigation work, or bridge	May arrest without warrant		Imprisonment for life	Subordinate court of the first class

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

(4)	Destroying or damaging will or register	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
(5)	Destroying or damaging wreck	May arrest without warrant	without	Imprisonment for seven years	Subordinate court of the first class
(6)	Destroying or damaging railway	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
(7)	Destroying or damaging property of special value	May arrest without warrant	without	Imprisonment for ten years	Subordinate court of the first class
(8)	Destroying or damaging deed or records	May arrest without warrant	without	Imprisonment for ten years	Subordinate court of the first class
340	Attempt to destroy or damage property by use of explosives	May arrest without warrant	without	Imprisonment for fourteen years	Subordinate court of the first class
341	Communicating infectious disease to animals	May arrest without warrant	without	Imprisonment for seven years	Subordinate court of the first class
342	Injuring or obstructing railway works, etc.	May arrest without warrant	without	Imprisonment for three months or a fine of one thousand two hundred shillings	Any subordinate court
343	Sabotage	May arrest without warrant	without	Life imprisonment/ imprisonment for five years	Subordinate court of the first class
344	Threatening to burn any building, etc., or to kill or wound any cattle	May arrest without warrant	without	Imprisonment for seven years	Subordinate court of the first class

*Criminal Procedure Code*

FIRST SCHEDULE-continued

DIVISION VII FORGERY, COINING, COUNTERFEITING AND SIMILAR OFFENCES CHAPTER XXXV – PUNISHMENT FOR FORGERY					
349	Forgery (where no special punishment is provided)	May arrest without warrant		Imprisonment for three years	Subordinate court of the first class
350	Forgery of will, document of title, security, cheque, etc.	May arrest without warrant		Imprisonment for life	Subordinate court of the first class
351	Forgery of judicial or official document	May arrest without warrant		Imprisonment for seven years	Subordinate court of the first class
352	Forgery, etc., of stamps	May arrest without warrant		Imprisonment for seven years	Subordinate court of the first class
353	Uttering false document	May arrest without warrant		Same punishment as for forgery of document	Any court by which forgery of document would be triable
354	Uttering cancelled or exhausted document	May arrest without warrant		Same punishment as for forgery of document	Any court by which forgery of document would be triable
355	Procuring execution of document by false pretences	May arrest without warrant		Same punishment as for forgery of document	Any court by which forgery of document would be triable
356	Obliterating or altering crossing on cheque	May arrest without warrant		Imprisonment for seven years	Subordinate court of the first class

*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

357	Making or executing document without authority	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
358	Demanding property upon forged testamentary instrument	May arrest without warrant	Same punishment as for forgery of instrument	Any court by which forgery of instrument would be triable
359	Purchasing or receiving forged bank note	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
360	Falsifying warrant for money payable under public authority	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
361	Permitting falsification of register of record	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
362	Sending false certificate of marriage to registrar	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
363	Making false statement for insertion in register of births, deaths or marriages	May arrest without warrant	Imprisonment for three years	Any subordinate court
CHAPTER XXXVI – OFFENCES RELATING TO COIN AND BANK AND CURRENCY NOTES				
365	Counterfeiting coin	May arrest without warrant	Imprisonment for life	Subordinate court of the first class
366	Making preparation for coining	May arrest without warrant	Imprisonment for life	Subordinate court of the first class

## Criminal Procedure Code

## FIRST SCHEDULE-continued

367	Making or possessing paper or implements of forgery	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
368	Clipping coin	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
369	Melting down currency	May arrest without warrant	Imprisonment for six months and/or fine of eight thousand shillings	Any subordinate court
371	Being in possession of clippings	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
372	Uttering counterfeit coin	May arrest without warrant	Imprisonment for two years	Subordinate court of the first class
373	Repeated uttering of counterfeit coin	May arrest without warrant	Imprisonment for three years	Subordinate court of the first class
374	Uttering piece of metal as coin	May arrest without warrant	Imprisonment for one year	Subordinate court of the first class
375	Exporting counterfeit coin	May arrest without warrant	Imprisonment for two years	Subordinate court of the first class
376	Selling article bearing design in imitation currency	May arrest without warrant	Imprisonment for six months	Any subordinate court
CHAPTER XXXVII – COUNTERFEIT STAMPS				
378	Being in possession, etc., of die or paper used for making revenue stamps	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class



*Criminal Procedure Code*

FIRST SCHEDULE-*continued*

379	Being in possession, etc., of die or paper used for postage stamps	May arrest without warrant	Imprisonment for one year or fine of three thousand shillings	Subordinate court of the first class
CHAPTER XXXVIII – COUNTERFEITING TRADE MARKS				
381	Counterfeiting, etc., trade mark	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
CHAPTER XXXIX – PERSONATION				
382(1)	Personation in general	May arrest without warrant	Imprisonment for two years	Any subordinate court
(2)	If representation is that offender is person entitled by will or operation of law to specific property and he commits offence to obtain such property	May arrest without warrant	Imprisonment for seven years	Subordinate court of the first class
383	Falsely acknowledging deed, recognizances, etc.	May arrest without warrant	Imprisonment for two years	Any subordinate court
384	Personation of person named in certificate	May arrest without warrant	Same punishment as for forgery of certificate	Any court by which forgery of certificate would be triable
385	Lending, etc., certificate for purposes of personation	May arrest without warrant	Imprisonment for two years	Any subordinate court

## Criminal Procedure Code

## FIRST SCHEDULE-continued

386	Personation of person named in testimonial	May arrest without warrant	Imprisonment for one year	Any subordinate court
387	Lending, etc., testimonial for purposes of personation	May arrest without warrant	Imprisonment for two years	Any subordinate court
DIVISION VIII ATTEMPTS AND CONSPIRACIES TO COMMIT CRIMES AND ACCESSORIES AFTER THE FACT CHAPTER XL – ATTEMPTS				
389	Attempt to commit felony or misdemeanour	According as to whether or not the offence is one for which the police may arrest without a warrant	Imprisonment for two years	Any court by which the felony or misdemeanour attempted would be triable
390	Attempt to commit felony punishable with death or imprisonment for fourteen years or upwards	May arrest without warrant	Imprisonment for seven years	Any court by which the felony attempted would be triable
391	Soliciting or inciting another to commit offence in Kenya or elsewhere	May arrest without warrant if arrest for offence solicited or incited may be made without warrant, but not otherwise	Same punishment as for the offence solicited or incited	Any court by which the offence solicited or incited would be triable
392	Neglecting to prevent commission or completion of felony	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court

Criminal Procedure Code

FIRST SCHEDULE-continued

CHAPTER XLI – CONSPIRACIES				
393	Conspiracy to commit felony	May arrest without warrant	Imprisonment for seven years	Any court by which the felony would be triable
394	Conspiracy to commit misdemeanour	According to whether or not the misdemeanour is one for which the police may arrest without warrant	Imprisonment for two years	Any court by which the misdemeanour would be triable
395	Conspiracy to effect certain specified purposes	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
CHAPTER XLII – ACCESSORIES AFTER THE FACT				
397	Being an accessory after the fact to felony	May arrest without warrant	Imprisonment for three years	Any subordinate court
398	Being an accessory after the fact to misdemeanour	Shall not arrest without warrant	Imprisonment for two years	Any subordinate court
OFFENCES UNDER OTHER LAWS				
	If punishable with death or imprisonment for more than ten years	May arrest without warrant	—	
	If punishable with imprisonment for three years or upwards, but not more than ten	May arrest without warrant	—	Subordinate court of the first class
	If punishable with imprisonment for less than three years or with fine only.	Shall not arrest without warrant		Any subordinate court

INDEX, W-*continued*