

**THE PENAL CODE (AMENDMENT) ACT, 1960\*.**

[Act No. XXVII OF 1960.]  
(The 5th October 1960)

It is hereby enacted as follows: —

1. This Act may be called the Penal Code (Amendment) Act, 1960.

2. For section 299 of the Penal Code, hereinafter referred to as the said Code, the following shall be substituted as section 299, namely: —

“299. (1) Whoever causes death by doing an Act with the intention of causing such bodily injury as is likely to cause death commits the offence of culpable homicide not amounting to murder.

(2) Whoever causes death by doing an Act with the intention of causing death, or with the intention of causing such bodily injury as in fact is sufficient in the ordinary course of nature to cause death, commits the offence of culpable homicide not amounting to murder in any of the following cases: —

(A) If he, 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:

Provided —

*First* — That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;

*Secondly* — That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant; and

*Thirdly* — That the provocation is not given by anything done in the lawful exercise of the right of private defence.

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\* ပြန်မာနိုင်ငံပြန်တမ်း အပိုင်း- ၁၊ ၁၉၆၀ ပြည့်နှစ် အောက်တိုဘာလ ၁၅ ရက်၊ စာမျက်နှာ - ၁၄၂၁။

**Explanation.**— Whether the provocation was grave and sudden enough to deprive the offender of the power of self-control is a question of fact.

- (B) If he, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.
- (C) If he, being a public servant or aiding a public servant for the advancement of public justice, 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 the duty of such public servant and without ill-will towards the person whose death is caused.
- (D) If he acts without premeditation in a sudden in fight the heat of passion upon a sudden quarrel and without having taken undue advantage or acted in a cruel or unusual manner.

**Explanation.** — It is immaterial in such cases which party offers the provocation or commits the first assault.

- (E) If he causes the death of a person who is above the age of eighteen years and who suffers death or takes the risk of death with his own consent.”

3. For section 300 of the said Code, the following *shall be substituted* as section 300, namely: —

“ 300. Whoever, in the absence of any circumstance which makes the  
*Murder.* act one of culpable homicide not amounting to  
murder, causes death by doing an act with the  
intention of causing death, or with the intention of causing bodily  
injury as in fact is sufficient in the ordinary course of nature to cause  
death, commits the offence of murder.”

4. After section 300 of the said Code, the following *shall be inserted* as section 300A, namely:—



“300A. In sections 299 and 300: —

- Explanations of culpable homicide.* (a) a person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death;
- (b) where death is caused by bodily injury, the offender's knowledge of the weakness or infirmity of the person on whom the bodily injury is inflicted is a relevant factor in proving the nature of his intention;
- (c) the offender's knowledge that an act is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, is a relevant factor in proving the nature of his intention;
- (d) where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death although by resorting to proper remedies and skilful treatment the death might have been prevented;
- (e) the causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child if any part of that child has been brought forth, though the child may not have breathed or been completely born.”

5. For section 301 of the said Code, the following shall be substituted as section 301, namely: —

“301. If a person, by doing anything which he intends or knows to be likely to cause death, commits an offence by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the offence 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.*

*Explanation.*— In this section the word ‘offence’ means an offence described in section 299 or section 300 or section 304A.

6. For section 302 of the said Code, the following *shall be substituted as* section 302, namely:—

“302. (1) Whoever commits murder —

*Punishment for murder.* (a) being under sentence of transportation for life, or

(b) with premeditation, or

(c) in the course of committing any offence punishable under this Code with imprisonment for a term which may extend to seven years, shall be punished with death, and shall also be liable to fine.

(2) Whoever commits murder in any other case shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

*Explanation* — Whether an act is premeditated is a question of fact.”

7. For section 304 of the said Code, the following *shall be substituted as* section 304, namely:—

“304. Whoever commits culpable homicide not amounting to murder shall be punished with transportation for life, or imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”

8. In sections 307 and 308 of the said Code, the words “or knowledge” *shall be deleted.*

ဖွဲ့စည်းအုပ်ချုပ်ပုံအခြေခံဥပဒေအရ ကျွန်ုပ်လက်မှတ်ရေးထိုးသည်။

ဦးဝင်းမောင်၊

နိုင်ငံတော်သမ္မတ၊

ပြည်ထောင်စုမြန်မာနိုင်ငံတော်။

ရန်ကုန်မြို့၊ ၁၃၂၂ ခုနှစ်၊ သီတင်းကျွတ်လပြည့်ကျော် ၁ ရက်။  
(၁၉၆၀ ပြည့်နှစ်၊ အောက်တိုဘာလ ၅ ရက်။)

အမိန့်အရ

သာထက်၊

နိုင်ငံတော်သမ္မတ၏ အတွင်းဝန်။