

- 26 Syariah Criminal Procedure (Federal Territories) Act 1997 s 146(c); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 146(c); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 150(c); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 146(c).
- 27 Syariah Criminal Procedure (Federal Territories) Act 1997 s 150; Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 150; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 154; Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 150.

**[400.562] Appeal to the Syariah Appeal Court** The procedure for an appeal to the Syariah Appeal Court<sup>1</sup> is basically similar to the procedure for an appeal to the Syariah High Court<sup>2</sup>. A difference that may be noted is the jurisdiction of the Syariah Appeal Court to hear and determine appeals<sup>3</sup>.

The Syariah High Court may also reserve any question of law which has arisen in the course of a trial, the determination of which would affect the trial, to be determined by the Syariah Appeal Court<sup>4</sup>. The Syariah Appeal Court will review the case, or such part of it as may be necessary, determine the question and pass such sentence or make such judgment as it thinks fit<sup>5</sup>. References can also be made to the Syariah Appeal Court from a Syariah subordinate court to determine any question of law of public interest which has arisen in the course of an appeal to the Syariah High Court<sup>6</sup>.

1 *Ie* under the Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) Pt VI Ch 2 (ss 152-167); the Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) Pt VI Ch 2 (ss 152-167); the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) Pt VI Ch 2 (s 156-171); the Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) Pt VI Ch 2 (ss 152-167).

2 As to the procedure for appeal to the Syariah High Court see **[400.561]**.

3 The Syariah Appeal Court has jurisdiction to hear and determine any appeal by any person convicted or otherwise found guilty or by the Chief Syariah Prosecutor against any decision made by the Syariah High Court in the exercise of its original criminal jurisdiction subject to the Syariah Criminal Procedure (Federal Territories) Act 1997 or any other written law regulating the terms and conditions upon which criminal appeals may be brought: s 152(1). As to the appointment of the Chief Syariah Prosecutor see **[400.047]**.

Where an accused person has pleaded guilty and been convicted on the plea, there will be no appeal except as to the extent or legality of the sentence: s 152(2). Notice of any appeal by the Chief Syariah Prosecutor must be given by or with his consent in writing only: s 152(3). An appeal may lie on a question of fact or a question of law or a question of mixed fact and law: Syariah Criminal Procedure (Federal Territories) Act 1997 s 152(4).

See also the Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 152(1)-(4); the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 156(1)-(4); the Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 152(1)-(4).

- 4 See the Syariah Criminal Procedure (Federal Territories) Act 1997 ss 152(5), 166; the Syariah Criminal Procedure (State of Malacca) Enactment 2002 ss 152(5), 166; the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 ss 156(5), 170; the Syariah Criminal Procedure (State of Selangor) Enactment 2003 ss 152(5), 166.
- 5 Syariah Criminal Procedure (Federal Territories) Act 1997 s 166(3); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 166(3); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 170(3); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 166(3).
- 6 See the Syariah Criminal Procedure (Federal Territories) Act 1997 ss 152(5), 167; the Syariah Criminal Procedure (State of Malacca) Enactment 2002 ss 152(5), 167; the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 ss 156(5), 171; the Syariah Criminal Procedure (State of Selangor) Enactment 2003 ss 152(5), 167.

**[400.563] Revision** Where a judge of the Syariah subordinate court<sup>1</sup> is of the opinion subsequent to delivering his decision, that the decision is incorrect, he may refer the decision to the Syariah High Court for revision the decision; and any judge of the Syariah High Court may similarly do so to the Syariah Appeal Court<sup>2</sup>. The Syariah High Court may also call for and examine the records of any proceedings before a Syariah subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to any regularity of any proceedings of that Syariah subordinate court; and the Syariah Appeal Court likewise has revisionary jurisdiction in respect of any proceedings or matter before a Syariah High Court<sup>3</sup>. The court when exercising its revisionary jurisdiction may direct the relevant court to make further inquiry<sup>4</sup>. It may give permission to the parties or their *peguam Syarie*<sup>5</sup> to appear and be heard<sup>6</sup>.

- 1 As to Syariah court judges see [400.038]-[400.046].
- 2 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 168(1); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 168(1); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 172(1); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 168(1).
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 s 168(2); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 168(2); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 172(2); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 168(2).
- 4 Syariah Criminal Procedure (Federal Territories) Act 1997 s 169; Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 169; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 173; Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 169. As to the other powers of the court when exercising its revisionary jurisdiction, see the Syariah Criminal Procedure (Federal Territories) Act 1997 s 170; the Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 170; the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 174; Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 170.

- 5 As to the *peguam Syarie* see [400.052]-[400.057].
- 6 Syariah Criminal Procedure (Federal Territories) Act 1997 s 171; Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 171; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 175; Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 173.

## (18) MISCELLANEOUS

### CONTENTS

#### PARA

- [400.564] Protection of officers
- [400.565] Contempt of court
- [400.566] False information, evidence or admission
- [400.567] Religious officer disobeying a direction of the law with the intent to cause injury to any person
- [400.568] Omission to produce a document to a religious officer by a person legally bound to produce such document
- [400.569] Refusing oath when duly required to take oath by a religious officer
- [400.570] Refusing to answer a religious officer authorised to question
- [400.571] Refusing to sign statement
- [400.572] Intentional insult or interruption to a religious officer sitting in any stage of judicial proceedings
- [400.573] Sworn affidavit
- [400.574] Order for payment of compensation
- [400.575] Provisions as to compensation
- [400.576] Compensation where charge is groundless
- [400.577] Copies of proceedings
- [400.578] Person released on bail to give address for service
- [400.579] Court will consider manner of disposal of exhibits
- [400.580] Order for disposal of property

**[400.564] Protection of officers** Proceedings will not lie against any judge<sup>1</sup> or other officers for any act done in good faith in any judicial proceedings under the statutes regulating Syariah criminal procedure or under any other written law for the time being in force relating to Islamic religion<sup>2</sup>.

- 1 As to Syariah court judges see [400.038]-[400.046].
- 2 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 209; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 209; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 213; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 209.

**[400.565] Contempt of court** The court<sup>1</sup> has power to punish any person who commits a contempt of the court with a fine not exceeding RM1,000<sup>2</sup>.

- 1 As to Syariah courts see [400.024] and following.

- 2 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 210; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 210; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 214; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 210. As to the offence of contempt of court see further [400.468] and [400.469].

**[400.566] False information, evidence or admission** A person who wilfully<sup>1</sup> gives any information, evidence or admission orally or in writing which is false in any matter where he is required to do so will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>3</sup>.

- 1 As to the meaning of 'wilfully' see [400.153] note 2; and CRIMINAL LAW (Original Title Scheme) [190.019].
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 211; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 211; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 215; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 211. As to this offence see further [400.476] and [400.477].  
As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.567] Religious officer disobeying a direction of the law with the intent to cause injury to any person** A religious officer<sup>1</sup>, who knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such officer, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>3</sup>.

- 1 For the purposes of the Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) Pt VIII (ss 208-231), 'religious officer' means any judge (see [400.038]-[400.046]), Syariah prosecutor (see [400.049]), registrar or religious enforcement officers (see [400.051]): s 208. See also the Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 208; the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 212; the Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 208.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 s 212; Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 212; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 216; Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 212. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.568] Omission to produce a document to a religious officer by a person legally bound to produce such document**

Anyone who is legally bound to produce or deliver up any document to any religious officer<sup>1</sup> as such, intentionally omits so to produce or deliver up the document will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM1,000 or to imprisonment for a term not exceeding six months or to both fine and imprisonment; or if the document is to be produced or delivered up to a court<sup>3</sup>, to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>4</sup>.

- 1 For the meaning of 'religious officer' see [400.567] note 1.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 As to Syariah courts see [400.024] and following.
- 4 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 213; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 213; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 217; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 213. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.569] Refusing oath when duly required to take oath by a religious officer** A person who refuses to bind himself by an oath to state the truth when required so to bind himself by a religious officer<sup>1</sup> legally competent to require that he so binds himself, will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>3</sup>.

- 1 For the meaning of 'religious officer' see [400.567] note 1.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 214; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 214; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 218; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 214. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.570] Refusing to answer a religious officer authorised to question** A person who is legally bound to state the truth of any subject to any religious officer<sup>1</sup>, refuses to answer any question demanded of him touching that subject by that officer in the exercise of his legal powers, will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>3</sup>.

- 1 For the meaning of 'religious officer' see [400.567] note 1.

- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 215; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 215; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 219; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 215. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.571] Refusing to sign statement** A person who refuses to sign any statement made by him when required to sign that statement by a religious officer<sup>1</sup> legally competent to require that he must sign that statement will be guilty of an offence<sup>2</sup> and will, on conviction, be liable to a fine not exceeding RM1,000 or to imprisonment for a term not exceeding six months or to both fine and imprisonment<sup>3</sup>.

- 1 For the meaning of 'religious officer' see [400.567] note 1.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 216; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 216; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 220; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 216. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.572] Intentional insult or interruption to a religious officer sitting in any stage of judicial proceedings** Anyone who intentionally insults or causes any interruption to any religious officer<sup>1</sup> while the officer is sitting in any stage of a judicial proceeding will be guilty of an offence<sup>2</sup> and will on conviction be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding one year or to both fine and imprisonment<sup>3</sup>.

- 1 For the meaning of 'religious officer' see [400.567] note 1.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 217; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 217; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 221; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 217. As to imprisonment and fine see [400.551] and [400.552] respectively.

**[400.573] Sworn affidavit** An affidavit may be used in a court<sup>1</sup> (subject to any rules made by it) if it is sworn under an oath:

- (1) in Malaysia, before any judge<sup>2</sup>, kadi, or registrar<sup>3</sup>;
- (2) in Singapore or Brunei Darussalam, before any judge or kadi<sup>4</sup>;
- (3) in any other place, before any Muslim officer exercising consular functions on behalf of the Government of Malaysia<sup>5</sup>.

The court will take judicial notice of the seal or signature of any judge, kadi, registrar or consular officer written or named in the affidavit<sup>6</sup>.

- 1 As to Syariah courts see [400.024] and following.
- 2 As to Syariah court judges see [400.038]-[400.046].
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 218(1)(a); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 218(1)(a); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 222(1)(a); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 218(1)(a).
- 4 Syariah Criminal Procedure (Federal Territories) Act 1997 s 218(1)(b); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 218(1)(b); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 222(1)(b); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 218(1)(b).
- 5 Syariah Criminal Procedure (Federal Territories) Act 1997 s 218(1)(c); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 218(1)(c); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 222(1)(c); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 218(1)(c).
- 6 Syariah Criminal Procedure (Federal Territories) Act 1997 s 218(2); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 218(2); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 222(2); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 218(2).

**[400.574] Order for payment of compensation** The court<sup>1</sup> before which a person is convicted of an offence<sup>2</sup> may order the person to pay a sum to be fixed by the court by way of compensation to any person, or to the representatives of any person, injured in respect of his body, character or property by the offence for which the conviction is had<sup>3</sup>.

The court must specify the person to whom the sum of compensation is to be paid and the provisions as to compensation<sup>4</sup> will be applicable to the order<sup>5</sup>. To the extent of the amount which has been paid to a person or to the representatives of a person, under an order for compensation, any claim of that person or those representatives for damages sustained by reason of the offence will be deemed to have been satisfied, but the order for payment will not prejudice any right to a civil remedy for the recovery of any property or for the recovery of damages beyond the amount of compensation paid under the order<sup>6</sup>. Every order for payment of compensation is appealable to the Syariah High Court in the case of an order made by the Syariah subordinate court, and to the Syariah Appeal Court in the case of an order made by the Syariah High Court<sup>7</sup>.

- 1 As to Syariah courts see [400.024] and following.
- 2 For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 220(1); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 220(1); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13

of 2003) s 224(1); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 220(1).

4 See [400.575].

5 Syariah Criminal Procedure (Federal Territories) Act 1997 s 220(2); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 220(2); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 224(2); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 220(2).

6 Syariah Criminal Procedure (Federal Territories) Act 1997 s 220(3); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 220(3); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 224(3); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 220(3).

7 Syariah Criminal Procedure (Federal Territories) Act 1997 s 220(4); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 220(4); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 224(4); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 220(4).

As to appeals see [400.560] and following.

**[400.575] Provisions as to compensation** Where a person for any reason, is ordered to pay compensation<sup>1</sup>, the court<sup>2</sup> making the order may in its discretion do all or any of the following things, namely:

- (1) allow time for the payment of the compensation<sup>3</sup>;
- (2) direct payment of the compensation to be made by instalments<sup>4</sup>;
- (3) direct that the person be searched<sup>5</sup> and that any money found on him when so searched or which, in the event of his being committed to prison, may be found on him when taken to prison, must be applied towards the payment of the compensation and the surplus, if any, being returned to him, but the money will not be so applied if the court is satisfied that the money does not belong to that person<sup>6</sup>.

1 As to orders for payment of compensation see [400.574].

2 As to Syariah courts see [400.024] and following.

3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 221(a); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 221(a); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 225(a); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 221(a).

4 Syariah Criminal Procedure (Federal Territories) Act 1997 s 221(b); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 221(b); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 225(b); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 221(b).

5 As to powers of search see [400.502].

6 Syariah Criminal Procedure (Federal Territories) Act 1997 s 221(c); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 221(c); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 225(c); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 221(c).



**[400.576] Compensation where charge is groundless** Whenever any person causes a religious enforcement officer<sup>1</sup> or a police officer to arrest<sup>2</sup> another person, if it appears to the judge<sup>3</sup> who takes cognisance<sup>4</sup> of the case that there did not exist sufficient ground for causing the arrest, the judge may award such compensation, not exceeding RM100, to be paid by the person so causing the arrest to each person so arrested for his loss of time and any expenses incurred by him in the matter as the judge thinks fit<sup>5</sup>.

- 1 As to the appointment of religious enforcement officers see [400.051].
- 2 As to powers of arrest see [400.500].
- 3 As to Syariah court judges see [400.038]-[400.046].
- 4 As to cognisance of offences by a judge see [400.523].
- 5 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 224; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 224; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 228; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 224. As to when charges are found to be groundless at trial see [400.528].

**[400.577] Copies of proceedings** If the complainant or the accused or any person affected by a judgment or order passed or made by a court<sup>1</sup> desires to have a copy of the judgment, order or other part of the record, he will, on applying for a copy, be furnished with it by the court on payment of such reasonable sum as the court may direct unless the court, for some special reason, thinks fit to furnish it free of charge<sup>2</sup>. An application for a copy of the record may be made at any time by the prosecutor by whom no fee is payable<sup>3</sup>.

- 1 As to Syariah courts see [400.024] and following.
- 2 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 222(1); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 222(1); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 226(1); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 222(1).
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 s 222(2); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 222(2); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 226(2); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 222(2).

**[400.578] Person released on bail to give address for service**

When a person is released on bail<sup>1</sup>, he must give to the court<sup>2</sup> or the officer taking the bail, an address at which service upon him of all notices and process may be made, and in any case where he cannot be found, or for other reasons service on him cannot be effected, any notice or process left for him at the address will be deemed to have been duly served upon him<sup>3</sup>.

- 1 See [400.506].
- 2 As to Syariah courts see [400.024] and following.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 223; Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 223; Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 227; Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 223.

**[400.579] Court will consider manner of disposal of exhibits**

At the conclusion of any proceedings, the court<sup>1</sup> will consider in what manner the exhibits are to be disposed of and may make any order for that purpose<sup>2</sup>. If the court makes no order as to the disposal of the exhibits, they will be handed to the prosecutor in charge of the proceedings<sup>3</sup>. If the prosecutor is at any time in doubt as to the proper manner of disposing any exhibit, or if any person claims delivery to him of any exhibit and the prosecutor refuses the delivery, the prosecutor or that person may apply to the court which determined the case and the court will make such order regarding the disposal of the exhibit as may be proper<sup>4</sup>.

- 1 As to Syariah courts see [400.024] and following.
- 2 Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 201(1); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 201(1); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 205(1); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 201(1).
- 3 The exhibits may be dealt with by the prosecutor in accordance with the Syariah Criminal Procedure (Federal Territories) Act 1997 Pt VII Ch 6 (ss 201, 202) as if the court had made an order or orders to that effect: s 201(2). See also the Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 201(2); the Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 205(2); the Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 201(2).
- 4 Syariah Criminal Procedure (Federal Territories) Act 1997 s 201(3); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 201(3); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 205(3); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 201(3). As to orders for disposal of property see [400.580].

**[400.580] Order for disposal of property** The court<sup>1</sup> may, if it thinks fit, impound any property<sup>2</sup> or document produced before it<sup>3</sup>. During or at the conclusion of any trial in the court, it may make such order as it thinks fit for the custody or disposal of any property or document produced before it or in its custody, or the custody of any religious enforcement officer<sup>4</sup> or police officer or any public servant, regarding which an offence appears to have been committed or which has been used for the commission of an offence<sup>5</sup>. The court may make an order for the forfeiture or confiscation or destruction of the property or for the delivery to any person of the property<sup>6</sup>.

When making an order in respect of any property or document, the court must direct whether the order is to take effect immediately or at any future date or on the happening of any future contingency and must, except when the property is livestock or property subject to speedy and natural decay, include in the order all necessary directions and conditions to ensure that the property or document will be produced as and when required for the purposes of the trial during or at the conclusion of which the order is made or for the purposes of any appeal<sup>7</sup> or further criminal proceedings resulting from the trial<sup>8</sup>.

- 1 As to Syariah courts see [400.024] and following.
- 2 For these purposes, the term 'property' includes, in the case of property regarding which an offence appears to have been committed, not only the property as has been originally in the possession or under the control of any party but also any property into or for which the property may have been converted or exchanged, and any thing acquired by the conversion or exchange, whether immediately or otherwise: Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) s 202(5); Syariah Criminal Procedure (State of Malacca) Enactment 2002 (No 9 of 2002) s 202(5); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 (No 13 of 2003) s 206(5); Syariah Criminal Procedure (State of Selangor) Enactment 2003 (No 3 of 2003) s 202(5).  
For the meaning of 'offence' see [400.519] note 1.
- 3 Syariah Criminal Procedure (Federal Territories) Act 1997 s 202(1); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 202(1); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 206(1); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 202(1).
- 4 As to the appointment of religious enforcement officers see [400.051].
- 5 Syariah Criminal Procedure (Federal Territories) Act 1997 s 202(2); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 202(2); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 206(2); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 202(2).
- 6 The power to make such an order is exercised subject to any special provisions relating to forfeiture, confiscation, destruction or delivery contained in the written law under which the conviction was had: Syariah Criminal Procedure (Federal Territories) Act 1997 s 202(3); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 202(3); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 206(3); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 202(3).
- 7 As to appeals see [400.560]-[400.562].
- 8 Syariah Criminal Procedure (Federal Territories) Act 1997 s 202(4); Syariah Criminal Procedure (State of Malacca) Enactment 2002 s 202(4); Syariah Criminal Procedure (Negeri Sembilan) Enactment 2003 s 206(4); Syariah Criminal Procedure (State of Selangor) Enactment 2003 s 202(4).