



LAWS OF MALAYSIA

Act A1423

**CRIMINAL PROCEDURE CODE (AMENDMENT)
ACT 2012**

Date of Royal Assent	2 February 2012
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LAWS OF MALAYSIA**Act A1423****CRIMINAL PROCEDURE CODE
(AMENDMENT) ACT 2012**

An Act to amend the Criminal Procedure Code.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Criminal Procedure Code (Amendment) Act 2012.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 51A

2. The Criminal Procedure Code [*Act 593*], which is referred to as the “Code” in this Act, is amended in section 51A by inserting after subsection (2) the following subsections:

“(3) A document shall not be inadmissible in evidence merely because of non-compliance with subsection (1).

(4) The Court may exclude any document delivered after the commencement of the trial if it is shown that such delivery was so done deliberately and in bad faith.

(5) Where a document is delivered to the accused after the commencement of the trial, the Court shall allow the accused—

- (a) a reasonable time to examine the document; and
- (b) to recall or re-summon and examine any witness in relation to the document.”.

Amendment of section 283

3. Subsection 283(1) of the Code is amended by substituting for paragraph (c) the following paragraph:

“(c) the period for which the Court directs the offender to be imprisoned in default of payment of fine shall not exceed the following scale:

- (i) if the offence is punishable with imprisonment:

<i>Where the maximum term of imprisonment—</i>	<i>The period shall not exceed—</i>
does not exceed six months	the maximum term of imprisonment
exceeds six months but does not exceed one year	six months
exceeds one year but does not exceed two years	one year
exceeds two years	half of the maximum term of imprisonment;

- (ii) if the offence is not punishable with imprisonment:

<i>Where the fine—</i>	<i>The period shall not exceed—</i>
does not exceed five hundred ringgit	one month

exceeding five hundred six months
ringgit but does not
exceed one thousand
ringgit

exceeding one thousand one year
ringgit but does not
exceed five thousand
ringgit

exceeds five thousand three years;”.
ringgit

Amendment of section 396

4. The Code is amended by substituting for section 396 the following section:

“Evidence of persons not called as witness

396. (1) Where it is likely that—

(a) the attendance of a person who is to give evidence cannot be procured without an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable; or

(b) a person who is to give evidence may become incapable of giving evidence,

the Public Prosecutor may make an oral application to the Court which has jurisdiction to try the case for the production of that person before the Court for the purpose of recording that person’s evidence on oath.

(2) The Court shall, upon such application being made, issue a summons or order for the attendance of the person, if the person is under custody, directed to the person in charge of the place where such person is placed, requiring him to produce the person at the time and place specified in the order.

(3) The Court shall record the evidence of the person and complete such recording within seven days from the date of the production of that person before him.

(4) In the course of recording the evidence of the person under subsection (3), the person shall be examined in accordance with the Evidence Act 1950.

(5) The Court shall cause the evidence to be reduced into writing.

(6) Notwithstanding anything contained in this Code or any other written law to the contrary, the evidence recorded under this section shall be admissible in evidence in any proceedings and the weight to be attached to such evidence shall be the same as that of a witness who appears and gives evidence in the course of a proceeding.”.