

THE CRIMINAL CODE (AMENDMENT) BILL
(No. XI of 2025)

Explanatory Memorandum

The main object of this Bill is to amend the Criminal Code with a view to implementing certain recommendations made by the United Nations Committee against Torture at its meeting held on 30 November 2017, during the review of Mauritius on its fourth periodic report.

2. Accordingly, manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery will no more be an excusable offence.

G. P.C. GLOVER, S.C.
Attorney-General

02 May 2025

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 242 of principal Act repealed
4. Section 245 of principal Act repealed and replaced

A BILL

To amend the Criminal Code

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Criminal Code (Amendment) Act 2025.

2. Interpretation

In this Act –

“principal Act” means the Criminal Code.

3. Section 242 of principal Act repealed

Section 242 of the principal Act is repealed.

4. Section 245 of principal Act repealed and replaced

Section 245 of the principal Act is repealed and replaced by the following section –

245. Homicide and wounds and blows under lawful authority

There is neither crime, nor misdemeanour, where homicide is, or wounds or blows are, committed as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is

reasonably justifiable –

- (a) for the defence of any person from violence or for the defence of property;
 - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - (c) for the purpose of suppressing a riot, insurrection or mutiny; or
 - (d) in order to prevent the commission by that person of a criminal offence or if he dies as the result of a lawful act of war.
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