Sultanic Decree No. 99/97

Issuing the Code of Criminal Procedure
We, Qaboos bin Said, Sultan of Oman

Having reviewed the Basic Statute of the State issued by Sultanic Decree No. 101/91, Sultanic Decree No. 25/84 regarding the organization of the criminal judiciary and its amendments, the Judicial Authority Law issued by Sultanic Decree No. 90/99, the Public Prosecution Law issued by Sultanic Decree No. 92/99, and based on the requirements of the public interest,

Have Decreed the Following:

Article 1
The provisions of the attached Law shall be applied concerning criminal procedures.

Article 2
As an exception to the provisions of the attached Law, the provisions of Sultanic Decree No. 25/84 referred to shall continue to be applied until the Judicial Authority Law comes into effect.

Article 3
All that contradicts the attached Law or conflicts with its provisions shall be repealed.

Article 4
This Decree shall be published in the Official Gazette, and it shall be implemented after three months from the date of its publication.

Issued on: 23 Sha'ban 1420 AH
Corresponding to: December 1, 1999 AD

Qaboos bin Said
Sultan of Oman

Code of Criminal Procedure
Preliminary Part
General Provisions

Article (1)
The provisions of this Law shall apply to lawsuits that have not been adjudicated and procedures that have not been completed before the date of its implementation, except for the following:

- Provisions determining jurisdiction if the date of implementation is after the closure of the pleading stage.
- Provisions determining time limits if the time limit had started before the date of implementation.
- Laws regulating methods of appeal with respect to judgments issued before the date of implementation, if these laws abolish or create a method of appeal.

Any procedure completed correctly under a applicable law shall remain valid unless otherwise stipulated.

Article (2)

Any new time limits for the extinction of the public lawsuit or other procedural time limits shall run only from the date of implementation of the law that introduced them.

Article (3)

All procedures stipulated in this Law shall be conducted in the Arabic language. The statements of parties and witnesses who are ignorant of the Arabic language shall be heard through an interpreter after he takes the oath.

Part One

The Lawsuit

Chapter One

The Public Lawsuit

First: Filing the Public Lawsuit

Article (4)

The Public Prosecution is specialized in filing and pursuing the public lawsuit before the competent court. The public lawsuit may not be waived, suspended, or its course interrupted except in the cases specified by law. In felonies and misdemeanors, if the Public Prosecution deems the lawsuit suitable for filing based on the evidence collected, it may summon the accused to appear before the competent court.

The public security authorities, in coordination with the Public Prosecution, shall investigate crimes against state security and the crimes stipulated in the Anti-Terrorism Law.

Article (4) bis

A person harmed by the crime stipulated in Article (23) of the Penal Code may file his lawsuit directly to the competent court. The court secretariat must notify the Public Prosecution with a copy of the direct lawsuit filing document... The lawsuit may not be filed against the heads of units of the State Administrative Apparatus and other public legal persons except after obtaining permission from the competent authority. Permission is issued by the Council of Ministers for the heads of units of the State Administrative Apparatus. The request for permission is submitted by the Public Prosecutor based on a request from the victim accompanied by supporting documents.

The heads of units of the State Administrative Apparatus and other public legal persons may delegate, for attendance or pleading and filing appeals before courts of various levels, one of the holders of legal positions in the unit to which they belong.

Article (5)

The public lawsuit shall not be filed except:

- Based on an oral or written complaint from the victim or his private agent in crimes where the law requires that, provided the complaint is not accepted after three months from the victim's knowledge of the crime and its perpetrator, unless the law stipulates otherwise.
- Based on a written request or after obtaining written permission from the competent authority in crimes where the law requires that.

Article (6)

The complaint or request shall be submitted to the Public Prosecution or one of the judicial control officers. Investigation procedures may not be taken except after submitting the complaint or request or issuing the permission.

Article (7)

If there are multiple victims in a crime among those mentioned in Article (5/1) of this Law, it suffices that the complaint is submitted by one of them. If there are multiple accused and the complaint is filed against one of them, it is considered filed against the others.

Article (8)

If the victim in a crime among those mentioned in Article (5/1) of this Law has not completed fifteen years of age or is suffering from a mental ailment, the complaint shall be submitted by his guardian. If the crime is committed against a minor, the complaint is accepted from the trustee or curator. In these two cases, all provisions specific to the complaint shall apply. If the interest of the victim conflicts with the interest of his representative, or if he has no representative, the Public Prosecution shall act on his behalf.

Article (9)

The right to complain in the crimes referred to in Article (5/1) of this Law expires upon the death of the victim. If death occurs after submitting the complaint, it does not affect the course of the lawsuit.

Article (10)

Whoever submits a complaint or request in crimes where the law requires that may waive his complaint or request at any time before the lawsuit is finally adjudicated. In case of multiple victims, the waiver has no effect unless issued by all who submitted the complaint. In case of multiple accused, waiving the complaint or request regarding one of them is considered a waiver regarding the others. If the complainant dies, the right to waive transfers to his heirs collectively, except in a lawsuit for adultery, where each child of the complaining spouse against the accused spouse may waive the complaint.

Article (11)

If it becomes clear to the court that there are other accused against whom the public lawsuit has not been filed, or that there are other crimes that have not been attributed to the accused, or if it becomes aware of the occurrence of a felony or misdemeanor related to the charge presented to it, it may refer the case files to the Public Prosecution for investigation and disposition, or delegate one of its members to carry out investigation procedures. In this case, the delegated member has the powers of a Public Prosecution member. If, at the end of the investigation, a decision is issued to refer the public lawsuit to the court, it must be referred to another circuit. It is not permissible for any of the judges who decided to institute the lawsuit to participate in its consideration. If the court has not adjudicated the original lawsuit and it is connected to the new lawsuit in an inseparable manner, the entire case must be referred to another circuit.

Article (12)

The Criminal Court and the Supreme Court, if acts occur that would disrupt their orders or the respect due to them, or influence their adjudication or the witnesses, and this is in the context of a lawsuit pending before them, may institute the public lawsuit against the accused in accordance with Article (11) of this Law.

Article (13)

If it is proven, based on a report from the competent medical authority, that the accused is incapable of defending himself due to a mental ailment, the Public Prosecution member in the preliminary investigation and the court in the stage of considering the lawsuit must suspend the proceedings of the investigation or trial until the accused recovers his sanity. An order may be issued to detain the accused in the place designated for mental illnesses, or to hand him over to one of his relatives for preservation and care, or to place him under surveillance in a manner determined by the Public Prosecution or the court, as the case may be. The period the accused spends under detention or surveillance is deducted from the penalty sentence imposed on him.

Article (14)

If the public lawsuit is filed against someone who has not reached eighteen years of age, the court must order his guardian, trustee, or caregiver to attend with him in all procedures to assist him in defending himself. When necessary, it may appoint a litigation guardian for him.

Second: Extinction of the Public Lawsuit

Article (15)

The public lawsuit is extinguished by the death of the accused, amnesty for the crime, lapse of time, waiver of the complaint or request, or final judgment therein. This does not prevent a judgment of confiscation in the cases stipulated by law.

Article (16)

The public lawsuit is extinguished by the lapse of twenty years in felonies punishable by execution or life imprisonment, ten years in other felonies, three years in misdemeanors, and one year in violations, all from the day the crime occurred, except for the crimes stipulated in Articles (155) to (166) of the Penal Code, where the period starts from the date of the end of the employee's service or the cessation of his capacity.

Article (17)

The running of the time limit that extinguishes the public lawsuit is not suspended for any reason.

Article (18)

The time limit that extinguishes the public lawsuit is interrupted by investigation, accusation, or trial procedures, as well as by a penal order or evidence-gathering procedures taken against the accused or if he is officially notified thereof. The period runs anew starting from the day of interruption. If there are multiple procedures that interrupt the period, its running starts from the date of the last procedure.

Article (19)

If there are multiple accused, the interruption of the period regarding one of them results in its interruption regarding the others.

Chapter Two
The Civil Lawsuit Related to the Public Lawsuit

Article (20)

Anyone who suffers direct personal harm due to the crime may file a lawsuit for his civil right before the court hearing the public lawsuit at any stage it is in, until the closure of the pleading stage, as a joined plaintiff in the public lawsuit, after paying the prescribed fees. This is not accepted from him before the Court of Appeal. The civil claimant may claim his right during the preliminary investigation by a request submitted to the attending Public Prosecution. He may also join the party liable for the civil right in the lawsuit he files or in the preliminary investigation. The civil claim is recorded by notifying the accused or by a request in the session where the public lawsuit is heard if the accused is present. If it was previously accepted in the preliminary investigation, the referral of the public lawsuit to the court includes the civil lawsuit.

Article (21)

The party liable for the civil right may intervene voluntarily in the criminal procedures at the preliminary investigation stage or at the trial stage, even if there is no civil claim. The party liable for the civil right is considered, in both cases, a party joined to the accused in the public lawsuit.

Article (22)

Each of the accused, the party liable for the civil right, and the Public Prosecution may object to the acceptance of the civil claimant if the civil lawsuit is impermissible or unacceptable. The Public Prosecution or the court decides on the objection after hearing the parties. A decision not to accept the civil claimant before the court hearing the public lawsuit does not prevent him from filing his lawsuit before the civil court.

Article (23)

The court shall rule, in the same judgment it issues in the public lawsuit, on the compensation requests submitted to it by the parties. If it believes that ruling on the civil lawsuit would delay the adjudication of the public lawsuit, it may rule on the public lawsuit alone and postpone the consideration of the civil lawsuit or refer it to the competent civil court. The civil claimant may waive his lawsuit before the court hearing the public lawsuit and file it before the competent civil court, and this does not affect the course of the public lawsuit. If the civil claimant files his lawsuit before the civil court and then the public lawsuit is filed, he may, if he abandons his lawsuit, file it before the court hearing the public lawsuit.

Article (24)

The accused may request the court to rule for him to be compensated for the harm he suffered due to a false accusation or one made without due care or consideration by the informant or the victim. The accused may claim from the civil claimant before the court hearing the public lawsuit compensation for the harm he suffered due to the filing of the civil lawsuit against him, if there is grounds for that.

Article (25)

The Public Prosecution shall appoint a litigation guardian to represent the victim or the party liable for the civil right if he has no representative or if his interest conflicts with the interest of his representative.

Article (26)

The civil lawsuit is extinguished by the lapse of the legally prescribed time limit. However, if the public lawsuit is extinguished after its filing for any reason specific to it, this does not affect the course of the related civil lawsuit.

Part Two
Gathering Evidence, Flagrante Delicto, and Preliminary Investigation

Chapter One
Gathering Evidence

Article (27)

Every person must provide judicial control officers with the possible assistance they request during their exercise of legal powers in arresting accused persons or preventing their escape or the commission of crimes.

Article (28)

Every person who witnesses the commission of a crime or learns of its occurrence must promptly report it to the Public Prosecution or one of the judicial control officers.

Article (29)

Every public employee or person charged with a public service who, during or because of his work, learns of the occurrence of a crime among those for which the Public Prosecution may file a public lawsuit without a complaint, request, or permission, must immediately inform the Public Prosecution or the nearest judicial control officer.

Article (30)

Judicial control officers shall search for crimes and their perpetrators, gather evidence, and conduct necessary inspections to facilitate proving the facts reported to them. They must take all necessary measures to preserve the instruments of the crime.

Article (31)

Judicial control officers within their jurisdictions are:

1. Members of the Public Prosecution.
2. Police officers and other regular ranks starting from the rank of policeman.
3. Officers of the public security authorities and other regular ranks starting from the rank of soldier.
4. Governors and their deputies.
5. Anyone authorized by laws to have this capacity.

By a decision from the Minister of Justice in agreement with the competent Minister, some employees may be granted the capacity of judicial control regarding crimes that occur within their jurisdictions and are related to their work functions.

Article (32)

Judicial control officers are subject to the supervision of the Public Prosecution regarding their work functions. The Public Prosecutor may request the competent authority to consider any violations or negligence in their work or request the raising of a disciplinary lawsuit, without prejudice to filing the public lawsuit.

Article (33)

Judicial control officers must accept reports and complaints received by them concerning all crimes. They must examine them, gather information about them, and record them in a report. A summary of the report or complaint and its date shall be recorded in the designated register.

If a crime is reported to a judicial control officer or he becomes aware of its commission, he must immediately notify the Public Prosecution member of the crime's occurrence, go to the scene to preserve it, conduct the necessary inspection, seize everything related to the crime that aids the investigation, and take other procedures to preserve the evidence of the crime. He must record all these procedures in a report signed by him, indicating the time and place of the action or procedure. The report must also be signed by the witnesses and experts heard. This report is sent to the Public Prosecution along with the seized items.

Article (34)

While gathering evidence, judicial control officers may hear the statements of those who have information about the crime and its perpetrator, and may question the accused. They may seek the assistance of doctors and other experts. However, they may not administer the oath to witnesses or experts unless it is feared that their testimony cannot be heard later under oath.

Article (35)

The judicial control officer shall record in the report the statements of the accused and any defense he presents. If the accused's statements include a confession to committing the crime, he must record it in the report and refer the accused to the Public Prosecution member to verify the validity of his confession.

Article (36)

If a judicial control officer, while gathering evidence, sees the necessity of searching a person or a specific residence, he must obtain permission for that from the Public Prosecution.

Article (37)

Judicial control officers may use means of search and inquiry that do not harm individuals or restrict their freedoms while gathering evidence. None of them may conduct investigation procedures.

Chapter Two
Flagrante Delicto

Article (38)

A crime is considered flagrant in the following cases:

- At the moment of committing the crime.
- Immediately after its commission.
- If the victim follows its perpetrator with public clamor immediately after its occurrence.
- If the perpetrator is found shortly after the occurrence carrying tools, weapons, traces, papers, or anything indicating that he is the perpetrator or an accomplice in the crime, or if he is found at that time with marks or traces indicating that.

Article (39)

In cases of flagrante delicto for a felony or misdemeanor, the judicial control officer must immediately go to the scene, inspect the material traces of the crime, preserve them, record the condition of the places and persons, and everything that helps reveal the truth. He must hear the statements of those present or from whom clarifications can be obtained regarding the incident and its perpetrator, and he must immediately notify the Public Prosecution of his findings. The Public Prosecution member must go immediately to the location of the incident as soon as he is notified of a flagrant felony.

Article (40)

The judicial control officer, when going to the scene in a flagrante delicto case, may prevent those present from leaving the location or moving away until the report is written. He may immediately summon anyone from whom clarifications can be obtained regarding the incident. If anyone present violates the order issued to him by the judicial control officer, or if any of those summoned refuses to attend, this is recorded in the report. The Misdemeanor Court shall sentence the violator or the refuser, after hearing his defense, to a fine not exceeding one hundred Riyals.

Chapter Three
Precautionary Measures
First: Arrest of the Accused

Article (41)

No person may be arrested or searched except by an order from the authority legally competent to do so. Those arrested must be treated in a manner that preserves their dignity. Judicial control officers and any person with public authority are prohibited from resorting to torture, coercion, enticement, or degrading treatment to obtain statements or prevent their presentation during evidence gathering, preliminary investigation, or trial.

Article (42)

In cases of flagrante delicto for felonies and misdemeanors punishable by imprisonment, the judicial control officer may order the arrest of the present accused if there is strong evidence of his commission of the crime. If he is not present, the judicial control officer may issue an order for his apprehension and bringing in, and this is recorded in the report.

Article (43)

A private individual has the right to arrest the accused in the following cases:

- If an order or instruction is issued to him in accordance with Article (27) of this Law.
- If the accused is a fugitive or evading arrest and being brought in.
- If the accused is caught in flagrante delicto in a felony or misdemeanor punishable by imprisonment for a period exceeding three months.

Article (44)

Without prejudice to any text in another law, whoever carries out the arrest may use the necessary force to subdue and overcome any resistance from the arrested person or others, within the limits required by the necessity of the arrest or preventing resistance or escape.

Article (45)

Whoever carries out the arrest from among the judicial control officers may enter the dwelling of the person sought for arrest to search for him. He may enter any other dwelling for the same purpose if there are strong indications that the accused is hiding therein. He may break into the dwelling by force if necessary.

Article (46)

Whoever carries out the arrest from among the judicial control officers may search the arrested person to remove any weapons or items he might use for resistance or to harm himself or others, and seize them and send them with the arrested person to the authority that ordered the arrest. If items related to the crime, or to another crime, or useful for the investigation, or whose possession is considered a crime, are found during the search, he must seize them and send them to the authority that ordered the arrest.

Article (47)

If the flagrant crime is one for which the filing of the public lawsuit depends on a complaint, the accused may not be arrested unless the person entitled to submit the complaint has done so.

Article (48)

In cases other than those stipulated in Article (42) of this Law, if there is sufficient evidence accusing a person of committing a felony or a misdemeanor punishable by imprisonment, the judicial control officer shall take the appropriate precautionary measures and immediately request the Public Prosecution to issue an order for the arrest of the accused.

Article (49)

The arrest order must be written, dated, and signed by its issuer, stating his capacity. It must include the name of the person to be arrested, his place of residence, and all necessary identification details, the reason for the arrest order. If the order is not executed within three months of its issuance, it lapses and may not be executed thereafter except by a new written order. The judicial control officer executing the arrest order must notify the person to be arrested thereof and immediately inform him of the reasons for the arrest. This person has the right to contact anyone he wishes to inform and to seek the assistance of a lawyer.

Article (50)

Upon arresting the accused or if an arrested person is delivered to him, the judicial control officer must hear his statements immediately. If he does not provide what exonerates him, he shall be handed over to the competent investigation authority within fifteen days for crimes against state security and crimes stipulated in the Anti-Terrorism Law, and within forty-eight hours for other crimes. This period may not be extended except once for a similar period with the approval of the Public Prosecution.

Article (51)

The Public Prosecution must interrogate the arrested accused within twenty-four hours, then order his preventive detention or release.

Article (52)

The arrest order may stipulate the release of the arrested person if he provides a undertaking to appear accompanied by a guarantee.

Article (52) bis

The Public Prosecutor or his substitute may issue a travel ban order if there is sufficient evidence accusing a person of committing a felony or a misdemeanor punishable by imprisonment.

The travel ban order must be written, dated, and signed by its issuer, stating his capacity. It must include the name of the person banned from traveling, all necessary identification details, the reason for the travel ban, and its duration.

The concerned person or his representative may appeal the travel ban order before the Misdemeanor Court of Appeal convened in chambers. The court must decide on the appeal within three days at most from the date of its submission. If it finds no justification for the order, it must be canceled immediately.

Second: Preventive Detention

Article (53)

If the interest of the preliminary investigation requires, after interrogating the accused, preventing him from fleeing or influencing the course of the investigation, the Public Prosecution member may issue an order for his preventive detention.

Preventive detention may not be ordered unless the incident is a felony or a misdemeanor punishable by imprisonment.

In addition to the data mentioned in Article (49) of this Law, the detention order may include instructing the person in charge of managing the detention facility to accept the accused and place him therein, stating the legal article applicable to the incident.

Article (54)

The preventive detention order issued by the Public Prosecution is for a period of seven days, which may be renewed for other periods not exceeding thirty days in total. For crimes involving public funds, narcotics, and psychotropic substances, the Public Prosecution member may issue an order for the preventive detention of the accused for periods not exceeding forty-five days in total. If the Public Prosecution member sees the need to extend the preventive detention beyond that, the matter must be presented to the Misdemeanor Court before the expiry of the period to issue an order for preventive detention for a period not exceeding fifteen days, renewable after a maximum of six months. If the accused is referred to the court, it may extend the preventive detention for a period not exceeding forty-five days, renewable for other periods. Otherwise, the accused must be released in all cases.

Article (55)

Preventive detention may not be lifted for an accused detained in a crime whose penalty is execution or life imprisonment.

Article (56)

If the court rules that it lacks jurisdiction to hear the lawsuit, it remains competent to consider the request for release or preventive detention until the lawsuit is raised to the competent court.

Article (57)

If the necessity of investigation procedures requires, the Public Prosecution member may order that the accused not contact other prisoners and that no one visit him, without prejudice to the accused's right to always communicate with his defender.

Article (58)

The accused's statements must be heard before issuing any preventive detention order or thereafter. If the order is issued against a fugitive accused, his statements must be heard within twenty-four hours from the time of his arrest.

Article (59)

The accused or his representative may appeal the preventive detention order before the Misdemeanor Court convened in chambers. The court must decide on the appeal within three days at most. If it finds no justification for the order, the accused must be released immediately.

Article (60)

No person may be detained or imprisoned except in places designated for that. No person may be accepted therein except by virtue of an order signed by the competent authority, and he may not be kept beyond the period specified in this order.

Article (61)

Public Prosecution members may visit prisons and places designated for that within their jurisdictions to ensure the absence of any person imprisoned unlawfully. For this purpose, they may review registers, preventive detention and imprisonment orders, and hear the complaints of prisoners. Those in charge of managing these places and their employees must provide all assistance in this regard.

Article (62)

Every prisoner has the right to submit a complaint to the prison administration. It must be reported to the Public Prosecution after recording it in a register designated for this purpose.

Article (63)

The Public Prosecution member may, at any time, issue an order to release the accused whenever he finds that his detention is no longer justified, or that there is no harm to the investigation from releasing him and there is no fear of his flight.

If the accused has been referred to the competent court, his release falls within its jurisdiction. In all cases, the accused is released with a personal guarantee, by depositing his official documents, or by providing a financial guarantee.

The provision of a financial guarantee is obligatory in crimes against property.

Article (64)

The amount of the financial guarantee is estimated by the issuer of the release order. This amount is a guarantee for the accused's non-default in appearing during the investigation or trial and non-evasion from executing the judgment and other obligations imposed on him.

Article (65)

The guarantee amount is paid by the accused or by another person. This is done by depositing it in the treasury of the Public Prosecution or the court, as the case may be.

Article (66)

If the accused defaults, without an acceptable excuse, on fulfilling one of the obligations imposed on him, the financial guarantee becomes due to the State without the need for a judgment to that effect. The entire guarantee amount is refunded if the lawsuit is concluded or if no conviction judgment is issued.

Article (67)

The release order does not prevent the Public Prosecution member from issuing a new order for the arrest of the accused and his preventive detention if the evidence against him strengthens, or if he breaches the imposed obligations, or if reasons arise that necessitate it. If the release order was issued by the court, issuing a new order for the arrest of the accused is done by the same court based on a request from the Public Prosecution.

Article (68)

The victim or the civil claimant may not request the preventive detention of the accused, and his statements are not heard in the discussions related to release.

Chapter Four
Preliminary Investigation
First: Summons, Arrest Orders, Search, and Bringing In

Article (69)

The Public Prosecution member may request the presence of any person before him if the interest of the investigation requires, by an order summoning him to appear. The summons must include the person's name, surname, profession, nationality, place of residence, the charge attributed to him if he is accused, the date of the order, the place and time of attendance, the name of the Public Prosecution member, his signature, and the official seal.

Article (70)

The order is served on the person required to attend personally or at his place of residence by the police. A copy is delivered to him, and he signs another copy as proof of receipt. If the summoned person is not found at his place of residence, a copy of the order is delivered to one of his relatives residing with him or to any of his dependents found there, and they must sign a copy of the order as proof of receipt. Service may not be conducted before 7:00 AM or after

6:00 PM, nor on official holidays except with permission from the competent court in cases of necessity. This permission is recorded on the original of the service document.

Article (71)

If, for any reason, service of the order is impossible according to Article (70) of this Law, or if the place of residence of the person required to attend is unknown, the order is delivered to the Governor, Sheikh, or headman of the area. The last place the accused resided in or the location where the crime occurred is considered his last place of residence.

This delivery is considered as service on the person required to attend unless the contrary is proven.

Article (72)

If the person served with the order fails to attend at the appointed time without an acceptable excuse, or if there is fear of his flight, or if he has no known place of residence, or if the crime is flagrant, the Public Prosecution member may issue an order for his arrest if he is an accused, complainant, or witness, even if the incident is one where preventive detention is not permitted. The order must include instructing the police to arrest any of the mentioned persons and bring him before the Public Prosecution member if he voluntarily refuses to attend immediately. The Public Prosecution member may request the competent court to sentence him for refusal to testify with the penalty for refusal to testify if he is a witness.

Article (73)

Orders issued by the Public Prosecution member are enforceable throughout the territory of the Sultanate, its territorial waters, airspace, and on Omani ships and aircraft wherever they are.

Article (74)

Each of the accused, the victim, the civil claimant, the party liable for the civil right, and whoever defends any of them has the right to attend the preliminary investigation procedures. The accused in a felony may be accompanied by a lawyer to defend him. This defender may not speak except with the permission of the Public Prosecution member. If permission is not granted, this must be recorded in the investigation report.

Article (75)

The Public Prosecution member may assign one of the judicial control officers to perform one or more specific tasks of the investigation, except for interrogating the accused. The assigned person, within the limits of his assignment, has the authority of the Public Prosecution. If the need arises to take a procedure outside his jurisdiction, the Public Prosecution member may assign the Public Prosecution member in that area.

Second: Moving to the Scene, Search, Seizure of Items, and Disposition Thereof

Article (76)

The Public Prosecution member may move to any place whenever he deems it necessary to record the condition of places, items, persons, the material existence of the crime, and everything that needs to be recorded.

Article (77)

Judicial control officers may search the accused in cases where his arrest is legally permissible. They may also search a non-accused person if it becomes clear from strong indications that he is hiding items useful for revealing the truth. The search includes his body, clothes, and belongings.

Article (78)

If the accused is a female, the search must be conducted by a female delegated by the Public Prosecution member, after she takes an oath to perform her work faithfully and honestly if she is not from the judicial control officers. In cases of flagrante delicto, the delegation may be issued by the judicial control officer.

Article (79)

No dwelling may be entered except in the cases permitted by law, or in case of a request for help from inside, or in cases of necessity.

Article (80)

Dwellings may not be searched except with a written permission issued by the Public Prosecution based on an accusation directed against a person residing in the dwelling to be searched of committing a felony or misdemeanor or participating in its commission, or if there are indications that he is in possession of items related to the crime, unless the crime is flagrant. The search and seizure of items and papers shall be conducted in the manner permitted by this Law. The search for the items and papers to be seized is conducted in the dwelling, its annexes, and its contents. The permission to search may not be executed after seven days from its date of issuance unless a new permission is issued.

Article (81)

If the owner of the dwelling or its occupant refuses to allow the judicial control officer to enter or resists his entry, the officer may take the necessary measures to break into the dwelling and use force as the circumstances require.

Article (82)

If, during the search of the accused's dwelling, strong indications arise against him or against a person present therein that he is hiding something useful for revealing the truth, the judicial control officer may search him.

Article (83)

If sealed or closed papers are found in the accused's dwelling by any means, the judicial control officer may not open them. He must record them in the search report and present them to the Public Prosecution.

Article (84)

The search is conducted in the presence of the accused or his representative whenever possible, and in the presence of the sheikh or headman of his area or two witnesses who are, as much as possible, from his adult relatives, or from those residing with him in the dwelling, or from his neighbors. This is recorded in the report. If the search takes place in a dwelling other than the accused's, its owner is invited to attend in person or through his representative if possible.

Article (85)

The judicial control officer must limit his search to the items or traces for which the search order was issued. However, if he incidentally finds during the search items whose possession is considered a crime or related to another crime, he must seize them and record them in the search report.

Article (86)

If there are women in the dwelling and the purpose of entering is not to arrest them or search them, the judicial control officer must observe the prevailing traditions and enable them to leave the dwelling or grant them the necessary facilities for that, provided it does not harm the interest of the search.

Article (87)

The judicial control officer may place seals on places and items where there are traces useful for revealing the truth and post guards on them. He must immediately notify the Public Prosecution member of this. If the Public Prosecution member sees the necessity of this procedure, he must refer the matter to a judge of the Misdemeanor Court for approval. Any person with an interest may object to this order before the Misdemeanor Court of Appeal convened in chambers. The objection is made by a petition submitted to the Public Prosecution member, who must refer it to the court immediately, accompanied by his opinion.

Article (88)

The judicial control officer may seize items that are likely to have been used in committing the crime, resulted from its commission, or on which the crime was committed, and everything useful for revealing the truth. These items are described and shown to the accused, who is asked to give his observations on them. A report is written, signed by the accused, or his refusal to sign is noted. The seized items and papers are placed in a closed, officially sealed bag. The date of the report of their seizure is written on the bag, and the subject for which the seizure was made is indicated.

Article (89)

Seals placed according to the provisions of Articles (87) and (88) of this Law on places and items are broken in the presence of the accused or his agent and the person from whom these items were seized, or after inviting them to do so.

Article (90)

Correspondence and telegrams may not be seized, examined, or newspapers, publications, parcels seized, nor may conversations held in a private place be recorded, nor telephones monitored, nor calls recorded without permission from the Public Prosecution.

Article (91)

The permission stipulated in Article (90) of this Law is issued if it is beneficial for revealing the truth in a felony or a misdemeanor punishable by imprisonment for a period exceeding three months. It must be reasoned and its duration may not exceed thirty days, renewable for similar periods if the interest of the investigation requires.

Article (92)

The Public Prosecution member alone examines the seized correspondence, telegrams, and papers, in the presence of the accused and the holder or addressee thereof, and records their observations regarding them. The Public Prosecution member may seek the assistance of whomever he sees fit from police officers or others to sort the seized correspondence, telegrams, and papers. Based on the examination, he may order to attach them to the case file or return them to the person who was holding them or to whom they were sent.

Article (93)

Any person who, due to the search, becomes aware of information about the items subject to the search and discloses it to any unauthorized person, or benefits from it in any way, shall be punished with the penalty prescribed for the crime of disclosing secrets.

Article (94)

The judicial control officer may order the holder of an item to be seized or examined to present it. The provisions prescribed for the crime of refusal to testify shall apply to whoever violates this order.

Article (95)

Correspondence, telegrams, and the like seized or addressed to the accused shall be delivered to him or a copy thereof given to him as soon as possible, unless it harms the interest of the investigation.

Article (96)

If the person from whom the papers were seized has an urgent interest in them, he is given a certified copy from the Public Prosecution member, unless it harms the interest of the investigation.

Article (97)

Items seized, whether through search or incidental seizure, must be recorded in a report signed by the seizing officer, describing their characteristics, the manner, place, and time of seizure, the statements of the person from whom they were seized or his representative, and the name of the seizing officer. The seized items are kept as long as they are necessary for the investigation or for adjudicating the lawsuit.

Article (98)

Items seized during the investigation may be returned unless they are necessary for proceeding with the lawsuit, subject to confiscation, or are disputed. Any person claiming a right to the seized items may request the Public Prosecution to deliver them to him. If refused, he may object before the Misdemeanor Court convened in chambers and request that his statements be heard before it.

Article (99)

Items are returned to the person who had possession of them at the time of seizure. If the seizures are items on which the crime was committed or resulted from it, they are returned to the person who lost possession due to the crime, unless the person from whom they were seized has a right to their substance by virtue of law.

Article (100)

The order for return is issued by the Public Prosecution, the Misdemeanor Court, or the competent court during the consideration of the public lawsuit. The order for return may be issued without a request. The Public Prosecution member may not order return in case of dispute or doubt about who has the right to receive the items. The concerned parties may refer the matter to the Misdemeanor Court of Appeal convened in chambers.

Article (101)

Upon issuing a decision to dismiss the lawsuit, the Public Prosecution member must decide the fate of the seized items. When adjudicating the public lawsuit, the court must decide the fate of the seized items if a request for return is made before it. It may order referring the parties to the competent civil court if it sees a reason for that. In this case, the seized items may be placed under guardianship and the necessary procedures taken to preserve them.

Article (102)

Seized items not claimed by their right holders within one year from the date of the extinction of the public lawsuit may be ordered sold by public auction. The proceeds are kept for the right holders after deducting the sale expenses. The right to claim them lapses after five years.

Article (103)

If the seized item is perishable or its preservation requires expenses that would exhaust its value, it may be ordered sold by public auction if the requirements of the investigation permit. The sale proceeds are kept after deducting its expenses. The right holders may claim it according to Article (102) of this Law.

Third: Hearing Witnesses, Interrogation, and Confrontation

Article (104)

The Public Prosecution member hears the testimony of witnesses whom the parties request to be heard, unless he deems hearing them useless. He may hear the testimony of any witness he deems necessary to hear about facts that prove or lead to proving the crime, its circumstances, and its attribution to the accused or his innocence therefrom.

Article (105)

The following may refrain from testifying against the accused: his ascendants, descendants, relatives, and in-laws up to the fourth degree, his spouse even after the dissolution of the marriage bond, unless the crime was committed against one of them or there is no other evidence.

Article (106)

The Public Prosecution member summons the witnesses decided to be heard to attend via the police. He may hear the testimony of any witness who attends voluntarily, and this is recorded in the report.

Article (107)

The Public Prosecution member hears each witness separately and may confront the witnesses with each other and with the accused.

Article (108)

The Public Prosecution member requests each witness to state his name, surname, age, profession, nationality, place of residence, and his relationship to the accused, the victim, and the civil claimant, and verifies his identity. A witness who has completed eighteen years must take an oath before giving testimony, affirming that he will testify to the truth and nothing but the truth. Those who have not reached this age may be heard for informational purposes without an oath. The mentioned data, the testimony of the witnesses, and the procedures for hearing them are recorded in the report without alteration, deletion, erasure, editing, or addition. Nothing of that is relied upon unless certified by the Public Prosecution member, the witness, and the clerk.

Article (109)

Both the Public Prosecution member and the clerk sign the testimony, as does the witness after it is read to him. If he refuses to sign or fingerprint, or is unable to do so, this is recorded in the report along with the reasons.

Article (110)

After finishing hearing the witness's statements, the parties may give their observations on them. They may request the Public Prosecution member to hear his statements on other points they specify. The Public Prosecution member may refuse to direct any question unrelated to the incident.

Article (111)

If a witness attends and refuses to give testimony or take the oath, he is sentenced in misdemeanors and felonies, after hearing the Public Prosecution's statements, to a fine not exceeding two hundred Riyals. He may be exempted from all or part of the penalty if he retracts his refusal before the end of the investigation.

Article (112)

If the witness is sick or has something preventing his attendance, his testimony is heard at his location. If the Public Prosecution member moves to hear his testimony and it becomes clear that the excuse is invalid, he may be sentenced to a fine not exceeding two hundred Riyals.

Article (113)

Based on the request of the witnesses, the Public Prosecution member estimates the expenses and compensations they deserve due to their attendance to give testimony.

Article (114)

When the accused attends for investigation for the first time, the Public Prosecution member must verify his identity and record all data specific to proving his identity, inform him of the charge attributed to him, and record his statements in the report.

Article (115)

The lawyer must be allowed to review the investigation file on the day preceding the interrogation or confrontation. In all cases, the accused and his attending lawyer may not be separated during the investigation.

Fourth: Appointment of Experts

Article (116)

If the investigation requires the assistance of a doctor or other experts to prove a condition, the Public Prosecution member may issue an order to appoint him to submit a report on the task assigned to him and the condition whose state is to be proven. If the condition to be proven requires the autopsy of a corpse or its exhumation after burial, the order must be issued by the Public Prosecutor or his substitute. The Public Prosecution member may attend while the expert performs his task. The expert may perform his task without the parties being present.

Article (117)

The expert performs his task under the supervision and direction of the Public Prosecution member. The expert may take the necessary procedures he deems required to accomplish his task, after referring to the Public Prosecution member whenever possible.

Article (118)

If the expert is not from those listed in the official roster, he must take an oath before the Public Prosecution member to perform his work faithfully and honestly.

Article (119)

The expert submits his report in writing. The Public Prosecution member sets a deadline for the expert to submit his report. He may replace him with another expert if the report is not submitted within the specified period. The accused may seek the assistance of a consulting expert at his own expense and request to be enabled to review the papers and what was previously submitted to the appointed expert by the Public Prosecution, provided that this does not delay the progress of the lawsuit.

Article (120)

The parties may challenge the expert if there are strong reasons for doing so. The challenge request is submitted to the Public Prosecution member for decision. The reasons for the challenge must be stated therein. The Public Prosecution member must decide on it within seven days from the date of its submission. Submitting the request results in the expert not continuing his work except in cases of urgency and by order of the Public Prosecution member.

Chapter Four

Disposition of the Investigation

Article (121)

After the conclusion of the preliminary investigation, the Public Prosecution may issue a decision to dismiss the investigation temporarily or finally and order the release of the accused unless he is imprisoned for another reason. The dismissal is temporary if the accused is unknown or the evidence is insufficient, and final if the facts attributed to the accused are incorrect or not punishable by law.

Article (122)

The issuance of the decision to dismiss the investigation finally in felonies is by the Public Prosecutor or his substitute.

Article (123)

The dismissal decision shall state the name, surname, age, place of birth, place of residence, profession, nationality of the accused, the incident attributed to him, and its legal description. The decision must include the reasons on which it is based.

Article (124)

The decision is notified to each of the victim and the civil claimant. If deceased, notification is made to his heirs collectively without naming them, at the last known address of the deceased.

Article (125)

The Public Prosecutor may issue a decision to dismiss the investigation finally despite the existence of a crime and sufficient evidence, if the lack of importance of the crime or its circumstances justifies that, unless there is a civil claimant.

Article (126)

The victim and the civil claimant or their heirs may appeal the decision to dismiss the investigation within ten days from the date of its notification.

Article (127)

The appeal is raised to the Criminal Court or the Misdemeanor Court of Appeal, as the case may be, convened in chambers. If the court finds that the dismissal decision should be canceled, it returns the case to the Public Prosecution with a statement of the crime, the acts constituting it, and the text of the law applicable to it, for referral to the competent court.

Article (128)

The Public Prosecutor or his substitute may revoke the dismissal decision within the three months following its issuance, unless it has been previously appealed.

Article (129)

If, after investigation, the Public Prosecution finds that the incident is a felony, misdemeanor, or violation and the evidence against the accused is sufficient, it refers the lawsuit to the competent court to consider it by summoning the accused to appear before it. Referral in felonies is by a decision of the Public Prosecutor or his substitute. If there is doubt whether the incident is a felony or misdemeanor, it is referred to the Criminal Court as a felony.

Article (130)

The referral decision includes the name, surname, age, place of birth, place of residence, profession, and nationality of the accused. It specifies the crime attributed to him with all its constituent elements, the aggravating or mitigating circumstances

related to the penalty, and the applicable law articles. The Public Prosecution notifies the concerned parties of the referral decision within ten days from its date of issuance.

Article (131)

If the investigation covers more than one crime under the jurisdiction of courts of the same level and they are connected, they are all referred by one referral decision to the court that is locally competent for one of the crimes. If the crimes are under the jurisdiction of courts of different levels, they are referred to the court of the highest level.

Article (132)

When the Public Prosecutor or his substitute issues a decision to refer to the Criminal Court, he requires each of the accused, the civil claimant, and the party liable for the civil right to submit to him a list of the witnesses whose testimony they request to be heard before the court, stating their names, places of residence, and the facts each is requested to testify about. The Public Prosecution prepares a list of its witnesses and the witnesses mentioned in the previous paragraph. This list is notified to the accused and the witnesses listed therein.

Article (133)

The Public Prosecution sends the case file to the secretariat of the competent court immediately after completing the investigation and disposing of it. Any concerned party has the right to review the papers.

Article (134)

If a decision is issued to refer an accused of a felony to the Criminal Court in his absence, and then he attends or is arrested, the lawsuit is considered anew in his presence before the court.

Article (135)

If after the referral decision, something occurs that requires supplementary investigations, the Public Prosecution must carry them out and submit the report to the court.

Article (136)

The decision issued by the Public Prosecution to dismiss the investigation temporarily prevents returning to it unless new evidence appears before the expiry of the time limit prescribed for the extinction of the public lawsuit. New evidence includes the testimony of witnesses, reports, and other papers that were not previously presented to the Public Prosecution member.

===== Page 27 =====

Part Three
The Trial
Chapter One
Jurisdiction

First: Jurisdiction in Criminal Matters

Article (137)

The Criminal Court hears felony cases, and the Misdemeanor Courts hear misdemeanor and violation cases as defined in the Penal Code, within the limits and according to the procedures stipulated in this Law.

Article (138)

One or more circuits of the Court of Appeal are specialized in hearing felony cases, referred to in this

Law as the Criminal Court. One or more circuits of the Primary Court are specialized in hearing appeals against judgments issued in misdemeanors and violations where the penalty is imprisonment, referred to in this Law as the Misdemeanor Court of Appeal. One or more circuits of the Criminal Court hear misdemeanor and violation cases, referred to in this Law as the Misdemeanor Court.

Article (139)

If the Misdemeanor Court finds that the incident is a felony, it rules that it lacks jurisdiction and refers the papers to the Public Prosecution to take the legal procedures prescribed for referring it to the Criminal Court.

Article (140)

If the Criminal Court finds that the incident, as stated in the referral decision, upon investigation in the session, constitutes a misdemeanor, it may rule that it lacks jurisdiction and transfer it to the Misdemeanor Court.

Article (141)

Jurisdiction is determined by the place where the crime occurred, where the accused resides, or where he was arrested.

By a decision from the Minister of Justice for reasons he deems appropriate and based on a request from the president of the competent court or the Public Prosecutor, the public lawsuit may be transferred to any other court that has substantive jurisdiction over the lawsuit.

Article (142)

In cases of attempt, the crime is considered to have occurred in every place where an act of commencement of execution took place. In continuous crimes, every place where the state of continuity exists is considered a place of the crime. In crimes of abandonment and consecutive crimes, every place where one of the acts included in them occurred is considered a place of the crime.

Article (143)

If a crime to which Omani law provisions apply occurs outside the Sultanate, and its perpetrator has no place of residence in the Sultanate and was not arrested therein, the public lawsuit is filed against him before the competent court in Muscat.

Article (144)

If the court finds, at any stage of the lawsuit, that it is not locally competent to hear it, it rules that it lacks jurisdiction and refers it to the competent court.

Second: Penal Orders

Article (145)

In violations and in misdemeanors where the law does not require a penalty of imprisonment exceeding three months or a fine whose lower limit exceeds one hundred Riyals, if the Public Prosecution deems that, according to its circumstances, a fine is sufficient for the crime, in addition to complementary penalties, compensations, what must be returned, and expenses, it may request the judge of the competent Misdemeanor Court to impose the penalty on the accused by a penal order issued upon request based on evidence-gathering reports or other evidence without conducting an investigation or hearing pleadings. The heads of the Public Prosecution or higher, within the jurisdiction of the Misdemeanor Court, may issue the penal order in the misdemeanors and violations mentioned in the previous paragraph if compensations, what must be returned, and expenses are not claimed therein. The Public Prosecutor or his delegate may appeal this order for error in law application within ten days from its date of issuance.

Article (146)

The penal order may not impose anything other than the fine, complementary penalties, compensations, what must be returned, and expenses. In misdemeanors, the fine may not exceed one hundred Riyals. The order is notified to the accused and the civil claimant according to the provisions of Articles (70) of this Law. The order must include the name of the accused, the incident for which he was punished, and the law article applied.

Article (147)

The judge may refuse to issue the penal order if he finds that the lawsuit cannot be adjudicated in its state, or without investigation or pleading, or if he finds that the incident warrants a penalty more severe than a fine. The refusal decision entails the necessity of proceeding with the public lawsuit.

Article (148)

The Public Prosecution may appeal the penal order issued by the judge. The parties may appeal the order issued by the judge or the Public Prosecution by a memorandum deposited with the secretariat of the competent court within ten days from its date of issuance for the Public Prosecution, and from the date of its notification for the other parties. This memorandum results in the lapse of the penal order and it is considered as if it never existed. The president of the court sets a session to consider the appeal, taking into account the time limits stipulated in Article (137) of this Law.

Article (149)

The court considers the appeal in the presence of the appellant. If he does not attend, the order regains its force and becomes final and enforceable. If there are multiple appellants and some attend while others do not, the order becomes final and enforceable regarding those who did not attend.

Article (150)

The rules specific to the forms of executing judgments apply to penal orders.

Third: Jurisdiction over Issues on which the Adjudication of the Public Lawsuit Depends

Article (151)

The court hearing the public lawsuit is competent to adjudicate all issues on which its judgment depends, unless the law stipulates otherwise.

Article (152)

If the judgment in the public lawsuit depends on the outcome of adjudicating another public lawsuit, the first must be suspended until the second is adjudicated.

Article (153)

If the judgment in the public lawsuit depends on adjudicating an issue of personal status or otherwise, the court may suspend the lawsuit and set a time limit for the accused, the civil claimant, or the victim to file it before the competent civil court.

Article (154)
Suspending the lawsuit according to Articles (152) and (153) of this Law does not prevent taking necessary or urgent precautionary or preservative measures.

Article (155)
If the civil lawsuit is filed before the civil court, its adjudication must be suspended until a final judgment is issued in the public lawsuit filed before it or during its pendency. However, if the adjudication of the public lawsuit is suspended due to the insanity of the accused, the civil lawsuit is adjudicated.

Article (156)
If the period stipulated in Article (153) of this Law expires and the lawsuit is not raised to the competent court, the court may disregard the suspension and adjudicate it. It may also set another time limit for the party if it finds reasons justifying that.

Article (157)
The court hearing the public lawsuit follows, in the non-criminal issues it adjudicates following the public lawsuit, the methods of proof prescribed in the law specific to those issues.

Fourth: Results of Jurisdiction

Article (158)
If a lawsuit concerning one crime or connected crimes is presented to two investigation or adjudication authorities belonging to the same primary court, and each of them finally decides that it is competent or not competent, and jurisdiction is limited to them, any of the parties to the lawsuit may submit a request to the Misdemeanor Court of Appeal to designate the court that will adjudicate it.

Article (159)
If two judgments on competence or lack of competence are issued by two judges belonging to the same primary court, or by two primary courts, or by two courts from the Criminal Courts, the request to designate the competent court is raised to the Supreme Court.

Article (160)
The request to designate the competent court according to Articles (158) and (159) of this Law is submitted by a petition accompanied by documents supporting this request. The court competent to consider it, after reviewing the request, may order its deposit and notify the parties within the three days following the order to deposit, so that each of them may review it and submit a memorandum of his statements within the ten days following its notification. The notification is according to the provisions of Articles (70) and (71) of this Law. The order to deposit the request results in the suspension of the proceedings in the lawsuit concerning which the request was submitted unless the court decides otherwise.

Article (161)
The court designated to consider the request is the court or authority that will proceed with the lawsuit. It decides regarding the procedures and judgments that may have been issued by the other court that ruled to deny its jurisdiction.

Chapter Two
Notification of Parties and Their Attendance

Article (162)

If the lawsuit is referred to the competent court, the Public Prosecution summons the accused to appear before it. Summoning the accused to appear may be dispensed with if he attends the session and the charge is directed to him by the Public Prosecution and the court accepts it.

Article (163)

The parties are summoned to appear before the court three days before the session convenes for violations, seven days for misdemeanors, and ten days for felonies. The charge and the law articles prescribing the penalty must be mentioned in the summons to appear.

Article (164)

The summons to appear is served on the accused personally according to the provisions of Articles (70) of this Law. Notification to the heads of units of the State Administrative Apparatus and other public legal persons is through the concerned administrative division in the unit to which they belong. Notification to prisoners is through the person in charge of managing the prison or his substitute. Notification to military personnel is through their commanding authority. The person who receives a copy of the notification must sign the original as proof of receipt. In case of refusal, the Misdemeanor Court sentences him to a fine not exceeding fifty Omani Riyals. If he persists in his refusal, notification is made to the accused personally according to the provisions of Articles (70) of this Law. The parties may review the lawsuit papers as soon as they are notified of the summons to appear.

Article (165)

The accused must attend in person in all trial procedures in felonies and misdemeanors punishable by imprisonment. In other cases, he may appoint an agent. Other parties may appoint agents for their attendance. The court may request the personal attendance of any of them if it is in the interest of the investigation. In all cases, an agent for the accused may attend and present his excuse for non-attendance. If the court finds the excuse acceptable, it sets a time for the accused to appear before it and notifies him thereof.

Article (166)

If the accused or other parties fail to attend, the court must verify that he was correctly notified. It may postpone the consideration of the lawsuit to another session where he is re-notified. If the accused fails to attend without an acceptable excuse after being personally notified, the court may consider the lawsuit in his absence, and the judgment issued is considered a judgment in absentia.

Article (167)

The judgment is considered a judgment in presence regarding everyone who attends when the lawsuit is called, even if he leaves the session afterward or fails to attend the sessions to which the lawsuit is adjourned without presenting an acceptable excuse.

Chapter Three
Failure to Appear before the Criminal Court

Article (168)

Any judgment in a felony issued by conviction in the absence of the accused necessarily entails depriving him of disposing of or managing his funds or filing any lawsuit in his name. Any disposition or obligation he undertakes is void. The Primary Court in whose district the convicted person's funds are located appoints a judicial guardian to manage them based on a request from the Public Prosecution and any interested party. The court may require the guardian it appoints to provide a guarantee. He is subject to it in all matters related to the guardianship and presenting accounts. The guardianship ends upon the issuance of a judgment in presence in the lawsuit, the actual death of the accused, or a legal presumption of death according to the Personal Status Law. After the guardianship ends, the guardian presents an account of his management.

Article (169)

All penalties and measures that can be executed are executed from the judgment in absentia. The judgment for compensations may be executed from the time of its issuance. In this case, the civil claimant must provide a personal or financial guarantee unless the judgment stipulates otherwise. The financial guarantee is refunded after sixty days from the issuance of the judgment.

Article (170)

If the person convicted in absentia attends or is arrested before the penalty lapses by the lapse of time, the judgment in absentia lapses, whether regarding the penalty, measures, or compensations. The lawsuit is considered anew before the court. If the judgment in absentia for compensations was executed, the court may order the refund of all or part of the amount collected.

Article (171)

The absence of an accused does not delay the judgment in the lawsuit regarding other accused with him.

Article (172)

If an accused in a misdemeanor referred to the Criminal Court is absent, the procedures applicable before the Misdemeanor Court are followed regarding him, and the judgment issued therein is subject to objection.

Chapter Four
Court Session Procedures, Consideration of the Lawsuit, and Proof Before the Court

Article (173)

Maintaining order and managing the session are the responsibility of its president. For this purpose, he may expel from the courtroom anyone who disrupts its order. If he does not comply, the court may immediately sentence him to imprisonment for twenty-four hours or a fine of twenty Riyals. Its judgment is not subject to appeal. If the disruption is committed by someone working at the court, it may impose on him during the session the disciplinary penalties that the head of the unit can impose. The court may revoke its judgment before the session ends. The court may try anyone who commits during its session a crime against its body or one of its workers and sentence him to the prescribed penalty. It may try anyone who testifies falsely in the session or refuses to give testimony and sentence him to the prescribed penalty.

Article (174)

The court is not bound by the description of the charge in the referral decision. It must give the act, which the investigation proves the accused committed, the correct legal description. If it has multiple descriptions, the most severe penalty is applied.

Article (175)

If it becomes clear to the court from the investigation what necessitates modifying the description of the charge and applying another article not mentioned in the referral decision, or modifying the charge by adding aggravating circumstances, it must alert the accused to that and conduct all investigation procedures that this modification necessitates. The accused may request a postponement of the lawsuit consideration to prepare his defense based on the new description or modification, and the court must grant his request. The court may correct any material error in the referral decision or the summons to appear.

Article (176)

Misdemeanor cases connected to felonies pending before it in an inseparable manner are raised to the Criminal Court. If the court finds, after conducting the investigation, that there is no basis for this connection, it refers the misdemeanor to the Misdemeanor Court.

Article (177)

Court sessions are public. The court, observing public order or preserving morals, may decide to consider the entire lawsuit or part of it in a closed session or prohibit specific categories from attending it.

Article (178)

One of the Public Prosecution members must attend the court sessions considering the public lawsuit. The court must hear his statements and decide on his requests.

Article (179)

The secretary records what takes place in the session in a report under the supervision of the session president, including the names of the court panel, the date and time of the session, the place of its convening, all procedures conducted, the present parties and their agents, their statements and requests, and a summary of the pleadings presented. The session president and the secretary sign every page of the report.

Article (180)

If a crime other than those stipulated in Article (173) of this Law occurs in the session, the court, if it does not see fit to refer the case to the Public Prosecution, may direct the charge to the perpetrator, order his arrest or preventive detention, investigate the crime, hear witnesses, and then order the referral of the accused to the competent court or to itself if it is competent, but in another session.

Article (181)

The parties and their agents have the right to attend trial sessions even if they are secret. None of them may be expelled unless he does something considered a violation of the court's dignity or session order.

Article (182)

If the court finds it necessary to postpone the consideration of the lawsuit to another session due to the absence of the accused or witnesses, it orders the notification of the absentees, with a warning to the present parties and witnesses, and takes the undertakings it deems necessary to ensure their attendance. It may also order the detention of the accused, the renewal of his detention, or his release according to the rules stipulated in Article (183) of this Law.

Article (183)

The court may issue an order to release the detained accused if it becomes clear to it that his release does not harm the progress of the lawsuit and there are no new probabilities for his flight. The release is based on a written undertaking from the accused to attend whenever requested during the consideration of the lawsuit, in accordance with Article (63) of this Law.

Article (184)

A judgment of non-acceptance of the lawsuit does not prevent its re-filing when the legal conditions are met.

Article (185)

The court hearing the public lawsuit shall itself carry out the necessary investigation procedures. It may assign one of its members or one of the Public Prosecution members to carry out a specific investigation procedure.

Article (186)

Previous investigation reports prior to the trial have no authority in proof before the court. However, the court may benefit from them in using presumptions and using their elements in questioning the investigator as a witness after he takes an oath regarding what he recorded in his reports.

Article (187)

If one of the judges carried out some investigation procedures and then was succeeded by another judge, the successor may rely in his judgment on the procedures carried out by his predecessor, or repeat all or some of these procedures.

Article (188)

The court directs the charge to the accused by reading it to him and clarifying it. Then he is asked whether he pleads guilty or not, while drawing his attention to the fact that he is not obliged to speak or answer.

Article (189)

The accused may not be put under oath, nor may he be coerced or enticed to answer or make specific statements by any means. The accused's silence or refusal to answer shall not be interpreted as an admission of anything. He may not be punished for false testimony regarding statements in which he denies the charge against himself.

Article (190)

If the accused confesses at any time that he is guilty, the court must hear his statements in detail and discuss them with him. If it is satisfied with the soundness and sufficiency of the confession, it may dispense with the rest of the investigation procedures or some of them and adjudicate the case.

Article (191)

The effect of the accused's confession is restricted to him alone. Only what is clear and decisive in committing the crime and issued from awareness, freedom, and comprehension is considered a confession from the accused's statements. The accused's statements in any investigation or trial may serve as evidence or be taken into consideration in any other investigation or trial.

Article (192)

Any statement or confession issued as a result of torture or physical or moral coercion is void and has no value in proof.

Article (193)

If the accused denies that he is guilty or refuses to answer, the court must commence the investigation. This is done by hearing witnesses and experts and conducting what is necessary to examine and discuss the evidence in the order it sees fit. The court may interrogate the accused in detail after finishing hearing the witnesses and experts. It may direct to him at any time any questions and clarifications it deems necessary to enable him to present his defense.

Article (194)

The accused may at any time request the hearing of whomever he sees fit from the witnesses or request a specific investigation procedure. The court shall grant his request if it finds it in the interest of the investigation. The court may summon any witness it finds necessary to hear his statements.

Article (195)

Everyone summoned to testify must attend at the appointed time and place and answer the questions directed to him. If he refuses to do so without an excuse accepted by the court or the law, he is considered to have committed the crime of refusal to testify. If it is proven that the witness testifies with statements he knows are untrue, he is punished with the penalty for false testimony. The provisions regarding witnesses apply to the victims in this regard.

Article (196)

A witness is obligated to take the oath if he is sane and has completed eighteen years of age. If he is below that age, or suffers from an illness or ailment that makes communication with him impossible or useless, he may not be put under oath, and his statements are not considered testimony. The court may hear them for informational purposes if it finds benefit in that. In this case, it may use signs that can be used to communicate with his like and seek the assistance of someone who can communicate with him.

Article (197)

Witnesses are heard as much as possible in the following manner:

The court hears the prosecution witnesses and directs to them the questions it deems appropriate. Then the Public Prosecution member interrogates them, followed by the civil claimant. The accused and the party liable for the civil right may then cross-examine them. Then the court hears the defense witnesses. Then the accused interrogates them, followed by the party liable for the civil right. The Public Prosecution member and the civil claimant may then cross-examine them. Each of the parties may request the re-hearing of witnesses to clarify or ascertain the facts they testified about. The court may grant that. In all cases, the court may prevent any question it finds unrelated to the case, unproductive, or an attempt to influence the witness or lead him, and it prevents directing any irrelevant or immoral question unless it is related to a decisive fact in the lawsuit.

Article (198)

If the court finds it necessary, it may move to the place where the crime was committed to conduct an inspection thereof, hear witnesses, or perform any other investigation work. It must enable the parties to attend with it.

Article (199)

The court may issue an order to any person to present something in his possession if it is in the interest of the investigation. It may order the seizure of anything related to the case or useful for its investigation.

Article (200)

The court may seek the assistance of an expert it appoints to give an opinion on a technical issue related to the case. Each of the parties may submit a consultative report from one of the experts on the same issue. Experts not listed in the official roster and translators take an oath to perform their task faithfully and honestly. If any of them breaks his oath, he is punished with the penalty for false testimony.

Article (201)

The Public Prosecution and the other parties, at any stage of the lawsuit, may challenge for forgery any paper in the case file. The challenge is made by a statement in the session report. It must specify the paper challenged for forgery and the evidence of its forgery.

Article (202)

If the court finds that adjudicating the lawsuit depends on the paper challenged and there is grounds to proceed with investigating the evidence of forgery, it refers the papers to the Public Prosecution and suspends the lawsuit until the forgery is adjudicated by the competent court. However, if adjudicating the fact of forgery falls within its jurisdiction, it investigates the challenge itself and decides on the validity of the paper. The court may punish the claimant of forgery with a fine not exceeding five hundred Riyals in case of a judgment rejecting his claim.

Article (203)

If forgery of an official paper, in whole or in part, is adjudicated, the court that adjudicated the forgery orders its cancellation or correction, as the case may be. A report is written to that effect and endorsed on the paper accordingly.

Part Four
Judgments, Their Effects, and Appeals Thereagainst
Chapter One
Cases of Recusal and Challenge of Judges

Article (204)

A judge is prohibited from participating in hearing a lawsuit if the crime was committed against him personally, or if he performed in the lawsuit an act of a judicial control officer or the function of the Public Prosecution

or defense of one of the parties, or gave testimony therein, or performed an act of expertise.
He is prohibited from participating in the judgment if he performed an act of investigation in the lawsuit, or from participating in the judgment on the appeal if the appealed judgment was issued by him.

Article (205)

The parties may challenge judges from adjudication in the cases mentioned in Article (204) of this Law, and in other cases of challenge prescribed by law. The victim is considered a party in the lawsuit regarding the challenge request. Members of the Public Prosecution and judicial control officers may not be challenged.

Article (206)

If a reason for challenge arises for a judge, he must declare it to the court to decide on his recusal in chambers. The summary judge must declare it to the president of the Primary Court to which he belongs. Apart from the cases of challenge prescribed by law, the judge may, if reasons arise that make him feel constrained in hearing the lawsuit, present the matter of his recusal to the court or to the president of the Primary Court, as the case may be, for decision.

Article (207)

The rules prescribed by law are followed in considering the challenge request and deciding thereon. Deciding on the challenge request is within the jurisdiction of the Primary Court if the judge to be challenged is a judge of the Summary Court. If he is from the judges of the Primary Court, the Court of Appeal, or the Supreme Court, the challenge request is referred to another circuit of the same court. The judge may not be interrogated nor put under oath in investigating the challenge request.

Chapter Two
Grounds for Nullity

Article (208)

Nullity results from failure to observe the provisions of the law related to any essential procedure.

Article (209)

If the nullity is due to failure to observe the provisions of the law related to the formation of the court, the jurisdiction to adjudicate the lawsuit, or its jurisdiction regarding the type of crime or other matters related to public order, it may be raised at any stage of the lawsuit, and the court shall rule on it sua sponte.

Article (210)

In cases other than those stipulated in Article (209) of this Law, the right to plead the nullity of procedures related to gathering evidence, preliminary investigation, or investigation in the session in misdemeanors and felonies lapses if the accused has a lawyer and the procedure occurred in his presence without his objection. The procedure is considered valid in violations if the accused does not object to it, even if he does not have a lawyer present in the session. The Public Prosecution's right to plead nullity lapses if it is not raised in a timely manner.

Article (211)

If the accused attends the session in person or through an agent, he may not plead the nullity of the summons to appear. Rather, he may request the correction of the summons and the completion of any deficiency therein and be given a time limit to present his defense before commencing the hearing of the lawsuit. The court must grant his request.

Article (212)

The judge may correct, even sua sponte, any procedure whose nullity becomes clear to him.

Article (213)

If the nullity of any procedure is decided, it extends to all effects directly resulting from it. The procedure must be repeated whenever possible.

Chapter Three
Judgments

Article (214)

Judgments are issued and executed in the name of His Majesty the Sultan.

Article (215)

The judge adjudicates the lawsuit according to the conviction formed in his mind with complete freedom. However, he may not base his judgment on any evidence not presented to the parties before him in the session or on his personal knowledge.

Article (216)

The judgment is issued in a public session even if the lawsuit was heard in a closed session. This is done by reading its operative part. It must be recorded in the session report. The court may order taking the necessary measures

to prevent the accused from leaving the courtroom before the pronouncement of the judgment or to ensure his attendance in the session to which the pronouncement is adjourned, even by issuing an order for his detention if the incident is one where preventive detention is permissible.

Article (217)

If the incident is not proven or the law does not punish it, the court rules to acquit the accused and releases him unless he is detained for another reason. If the incident is proven and the act is punishable, the court rules for conviction and the penalty prescribed by law.

Article (218)

The accused may not be judged for an incident other than that mentioned in the referral decision or the summons to appear. Nor may a non-accused person against whom the lawsuit was not filed be judged.

Article (219)

The court must decide on the requests submitted to it by the parties and state the reasons on which it relies.

Article (220)

The judgment must include a statement of the court that issued it, the date and place of its issuance, the judges who participated in it, the Public Prosecution member, the secretary, the parties, the crime subject of the lawsuit, a summary of the requests, defense, or pleas presented by the parties, and a summary of the factual evidence and legal arguments they relied on. Then the reasons on which the judgment is based and its operative part are mentioned. Every conviction judgment must include a statement of the incident warranting the penalty, the circumstances in which it occurred, and the text of the law under which the judgment was passed.

Article (221)

The judgment is issued after deliberation, which is secret among the judges if they are more than one. The president collects the opinions, starting with the youngest judge then the next oldest, then gives his opinion. Only the judges who heard the pleadings may participate in the deliberation, otherwise the judgment is void. The judgment is issued by a majority of opinions. However, the Criminal Court may not issue a judgment of execution except by unanimous opinions. Before issuing the judgment, it must send the papers to a committee formed by order of His Majesty the Sultan, chaired by the Grand Mufti of the Sultanate or his assistant, and the membership of two experienced persons, nominated by the committee president to give an opinion from the Sharia perspective. If its opinion does not reach the court within thirty days following the receipt of the papers, the court adjudicates the case. If unanimity is not achieved, the penalty of execution is replaced by life imprisonment.

Article (222)

The judges who participated in the judgment must be present for the reading of its operative part. If an obstacle prevents one of them from attending, he must have signed the draft judgment. The draft judgment must be deposited with the secretariat, containing its reasons and signed by the president and the judges, within eight days from the date of its issuance. Copies thereof are not given, but the parties may review it until the original copy of the judgment is completed. The court president and the secretary sign the original copy of the judgment containing its reasons and operative part within fifteen days at most from the date of the judgment's issuance, and it is kept in the case file. The signing may not be delayed except for strong reasons. In all cases, the judgment becomes void if thirty days pass without the signing occurring, unless it is an acquittal. The secretariat must give the concerned person, upon his request, a certificate of non-signing of the judgment within the mentioned period.

Article (223)

If a material error occurs in a judgment or a decision and it does not result in nullity, the panel that issued the judgment or decision shall correct this error sua sponte or based on a request from one of the parties after summoning them to attend. The correction is made after hearing the parties' statements and is endorsed in the margin of the judgment or decision.

Article (224)

The decision issued for correction may be appealed if the panel that issued it exceeded its authority in the correction, through the appeal methods permissible for the judgment or decision subject to correction. However, the decision issued rejecting the correction may not be appealed independently.

Chapter Four
Expenses

Article (225)

Anyone sentenced for a crime may be obliged to pay all or part of the expenses. If the appeal judgment affirms the primary judgment, the appellant may be obliged to pay all or part of the appeal expenses.

If the accused is acquitted in absentia based on his objection, he may be obliged to pay all or part of the expenses of the judgment in absentia. The Supreme Court may rule that the appellant pay all or part of the appeal expenses if it rules to not accept his appeal or to reject it. In all cases, if not all expenses are adjudged, the amount adjudged thereof must be specified in the judgment.

Article (226)

If there are multiple convicted persons in one crime, the adjudged expenses are collected from them equally, unless the judgment rules otherwise or obliges them to pay them jointly.

Article (227)

If the accused is sentenced to pay all or part of the expenses of the public lawsuit, the party liable for the civil right must be obliged together with him for what was adjudged. In this case, the adjudged expenses are collected from each of them jointly.

Article (228)

If a conviction is issued against the accused, he must be sentenced to pay the expenses incurred by the civil claimant if compensation is awarded to him. The court may, nevertheless, reduce the amount of expenses if it finds some of them unnecessary. If he is awarded only part of the compensations he claimed, the expenses are estimated in proportion to what was awarded to him.

Article (229)

The party liable for the civil right is treated as the accused regarding the expenses of the civil lawsuit.

Chapter Five
Methods of Appealing Judgments

1- Objection

Article (230)

An objection is permissible for the convicted person and the party liable for the civil right against judgments in absentia issued in misdemeanors and violations before the court that issued the judgment within two weeks from the date of its notification. The objection results in the suspension of the judgment's execution.

Article (231)

The objection is raised by a memorandum deposited with the court secretariat, which records the date of the session set for its consideration. This is considered notification thereof, even if the memorandum is from an agent. The Public Prosecution must summon the other parties to attend the set session and notify the witnesses.

Article (232)

The objection results in the reconsideration of the lawsuit regarding the objector. The objector shall not be prejudiced by his objection.

Article (233)

The objection is considered as if it never occurred if the objector does not attend the session set for its consideration. In this case, the court may order provisional execution of the judgment with the provision of a guarantee, even if it is appealed, regarding the compensations. It may exempt the convicted person from the guarantee. The judgment issued in the objection may not be objected to.

2- Appeal

Article (234)

The Public Prosecution and the convicted person may appeal judgments issued in misdemeanors and in violations where the penalty is imprisonment, whether the judgment is in presence, in absentia, or issued in an objection to a judgment in absentia.

Article (235)

Judgments issued in the civil lawsuit in misdemeanors and violations may be appealed by the convicted person, the civil claimant, and the party liable for the civil right regarding the civil right alone, if the claimed compensation exceeds the threshold for final judgment by the summary judge.

Article (236)

The judgment issued in crimes connected to each other in an inseparable manner may be appealed, even if the appeal is permissible only for some of the crimes.

Article (237)

The appeal period is thirty days from the date of pronouncing the judgment if it is in presence or issued in an objection, and from the date it becomes unobjectionable if it is in absentia, for the convicted person, the civil claimant, and the party liable for the civil right. It is forty-five days for the Public Prosecution.

Article (238)

The appeal period for judgments considered in presence according to Articles (166) and (167) of this Law starts for the convicted person from the date of his notification thereof.

Article (239)

The appeal is raised by a memorandum deposited with the secretariat of the court that issued the judgment. If the accused is imprisoned, he submits the appeal before the person in charge of managing the prison, who presents the memorandum to the court secretariat immediately. The appeal is considered expeditiously.

Article (240)

A session to consider the appeal is set within fifteen days at most from the date of depositing the appeal memorandum. The date of the session set for its consideration is recorded therein. This is considered notification thereof, even if the memorandum is from an agent. The Public Prosecution must summon the other parties to attend the session.

Article (241)

If the court finds the appeal formally acceptable, it hears the statements and requests of the appellant. Then the other parties speak, and the convicted person is the last to speak.

Article (242)

If the appeal is raised by the Public Prosecution, the court may affirm the judgment, cancel it, or amend it, whether against the convicted person or in his favor. The penalty adjudged may not be aggravated nor may an acquittal judgment be issued except by unanimous opinions of the court judges. If the appeal is raised by someone other than the Public Prosecution, the court may only affirm, cancel, or amend the judgment in favor of the appellant.

Article (243)

If the Misdemeanor Court rules on the merits, and the Misdemeanor Court of Appeal finds a nullity in the procedures or the judgment, it corrects the nullity and adjudicates the case. However, if it ruled on lack of jurisdiction or accepted a plea that results in preventing the proceedings of the lawsuit, and the Misdemeanor Court of Appeal cancels the judgment and rules on the court's jurisdiction or rejects the plea and considers the lawsuit, it must return the case to the Misdemeanor Court to adjudicate on the merits.

Article (244)

Judgments issued before adjudicating the merits of the lawsuit may not be appealed. Appealing the judgment on the merits results in appealing these judgments. However, judgments issued on the court's jurisdiction or lack of jurisdiction may be appealed.

3- Appeal before the Supreme Court

Article (245)

Each of the Public Prosecution, the convicted person, the party liable for the civil right, and the claimant thereof may appeal by way of cassation before the Supreme Court against judgments issued by the court of last instance in felonies and misdemeanors in the following cases:

1- If the judgment is based on a violation of the law or an error in its application or interpretation.

2- If a nullity occurs in the judgment.

3- If a nullity occurs in the procedures that affected the judgment.

The civil claimant or the party liable for the civil right may only appeal regarding this right. The Public Prosecution must appeal by cassation against judgments issuing execution.

Article (246)

It is presumed that procedures were followed during the lawsuit. However, the concerned party may prove by all means that those procedures were omitted or violated, if they are not mentioned in the session report or in the judgment. If they are mentioned in one of them as having been followed, their non-following may not be proven except by way of challenging for forgery.

Article (247)

Judgments issued before adjudicating the merits may not be appealed by cassation unless they result in preventing the proceedings of the lawsuit.

Article (248)

The Public Prosecution, the civil claimant, and the party liable for the civil right, each in his respective capacity, may appeal by cassation the judgment issued by the Criminal Court in the absence of the accused in a felony.

Article (249)

The appeal is submitted by a memorandum deposited with the secretariat of the court that issued the judgment within forty days from the date of the judgment in presence, or from the expiry of the objection period, or from the date of the judgment

issued therein. The grounds for appeal must be deposited within this period. However, if the judgment is an acquittal and the appellant obtains a certificate of non-deposit of the judgment according to Article (222) of this Law, the appeal and its grounds are accepted within ten days from the date the appellant is notified of the deposit of the judgment with the court secretariat. If the appeal is raised by the Public Prosecution, its grounds must be signed by at least a Chief Public Prosecutor. If raised by others, its grounds must be signed by a lawyer admitted to practice before the Supreme Court.

Article (250)

No grounds other than those presented within the period may be presented before the Supreme Court. However, the court may quash the judgment for reasons of law sua sponte if it becomes clear to it from what is established therein that it is based on a violation of the law, an error in its application or interpretation, or that the court that issued it was not formed according to the law or had no jurisdiction to adjudicate the lawsuit, or if a law favorable to the accused is enacted after the appealed judgment.

Article (251)

The appeal is recorded in a special register. A copy thereof is sent to each of the appellees within twenty days from the date of deposit. The appellee may respond with a memorandum within ten days from the date of his notification.

Article (252)

Upon the expiry of the periods stipulated in Article (251) of this Law, the secretariat must immediately send the complete papers to the secretariat of the Supreme Court to record the appeal in its registers. The secretariat sends these appeals to the Public Prosecution at the Court, along with all the papers.

Article (253)

The Public Prosecution must submit a memorandum of opinion on each appeal regarding form and substance. It is deposited in the appeal file. The file is then presented to the head of the competent circuit to set a session for considering the appeal.

Article (254)

If the appeal is not raised by the Public Prosecution or by a convicted person sentenced to a restrictive freedom penalty, the appellant must deposit with the treasury of the court that issued the judgment an amount of two hundred Riyals as a guarantee, unless exempted from depositing it by a decision of the Legal Aid Committee. The State collects this guarantee as well as some of the judicial fees.

Article (255)

The court rules to confiscate the guarantee amount if it decides that the appeal is impermissible, not accepted, or rejected. It may, in misdemeanors, rule in these cases for a fine not exceeding two hundred Riyals.

Article (256)

Appealing before the Supreme Court does not result in suspending the execution of the judgment unless it is an execution judgment or the court finds a justification for that.

Article (257)

Only the part of the judgment related to the grounds on which the appeal is based is quashed, unless segregation is impossible. If the appeal is not presented by the Public Prosecution, the judgment is quashed only regarding the appellant, unless the grounds on which the appeal is based also concern other accused with him. In this case, the judgment is quashed regarding them as well, even if they did not present an appeal.

Article (258)

The appeal is referred to one of the court members to prepare a report including the facts of the case, the grounds for the appeal, and the response thereto if any, without giving an opinion thereon.

Article (259)

The court rules on the appeal after reading the report prepared by the court member. It may hear the statements of the Public Prosecution and the defenders of the parties if it finds that necessary.

Article (260)

If the appeal or its grounds are presented after the period, the court rules not to accept it. If the appeal is accepted and is based on the appealed judgment being based on a violation of the law or an error in its application or interpretation, the court corrects the error and rules according to the law. If the appeal is based on a nullity that occurred in the appealed judgment or a nullity in the procedures that affected the judgment, the court quashes the judgment and returns the case to the court that issued it to adjudicate it anew, formed from other judges. However, it may, when necessary, refer it to another court. If the quashed judgment was issued by the Misdemeanor Court of Appeal or by the Criminal Court in a misdemeanor that occurred in the session, the case is returned to the court originally competent to hear it.

Article (261)
The judgment may not be quashed merely for containing a deficiency in reasoning, provided that the adjudged penalty is prescribed by law for the crime proven in the judgment. The court suffices with correcting that error.

Article (262)
If the quashing of the judgment occurs based on an appeal by one of the parties other than the Public Prosecution, he shall not be prejudiced by his appeal.

Article (263)
If the quashing of the judgment is based on a legal issue, the court on the merits to which the case is returned must adhere to the ruling of the Supreme Court on this issue. The court on the merits may not, in any case, rule contrary to the principles established by the panel stipulated in Article (9) of the Judicial Authority Law.

Article (264)
If the judgment issued by the court to which the case is returned is appealed, the Supreme Court adjudicates on the merits according to the procedures prescribed for the court competent for the crime subject of the case.

Article (265)
The Public Prosecutor, sua sponte or based on a request from the Minister of Justice, may request the Supreme Court at any time after the expiry of the prescribed appeal periods to cancel or amend any judgment, order, or judicial decision for the benefit of the law, if the judgment, order, or decision involves a violation of the law or an error in its application, in the following two cases:
1- Judgments that the law does not permit the parties to appeal.
2- Judgments for which the parties missed the appeal period, waived the appeal, or raised an appeal that was decided to be unacceptable.

Article (266)
The appeal for the benefit of the law is recorded in the registers of the Public Prosecution and the Supreme Court. The court considers it in chambers.

Article (267)
The judgment issued in the appeal for the benefit of the law has no effect unless it is issued in favor of the convicted person or the party liable for the civil right.

4- Reconsideration
Article (268)

A request for reconsideration of final judgments imposing penalties in felonies and misdemeanors is permissible in the following cases:

- If a person is convicted of a murder crime and then the murdered person is found alive.
- If a judgment is issued against a person for an incident, and then a judgment is issued against another person for the same incident, and there is a contradiction between the two judgments from which the innocence of one of the convicted persons can be inferred.
- If a witness or an expert is convicted of the penalty for false testimony, or forgery of a paper presented in the lawsuit is adjudicated, and the testimony, expert report, or paper had an influence on the judgment requested to be reconsidered.
- If the judgment is based on a judgment issued by another judicial authority and that judgment is annulled.
- If after the judgment, facts occur or papers appear that were not known at the time of adjudication, and these facts or papers would prove the innocence of the convicted person.

Article (269)

The request for reconsideration is accepted from:

- The Public Prosecution.
- The convicted person or his legal representative if he is incapacitated or restrained.
- The spouse of the convicted person or his heirs after his death, or his relatives up to the fourth degree.

Article (270)

The request for reconsideration is submitted to the Public Prosecutor - if submitted by others - by a petition stating the judgment requested to be reconsidered and the reason for the request. The request is accompanied by supporting documents.

Article (271)

If the request for reconsideration is not submitted by the Public Prosecution, a guarantee of one hundred Riyals must be deposited upon its submission, unless exempted therefrom by a decision of the Legal Aid Committee. This guarantee is collected as well as some of the judicial fees.

Article (272)

The Public Prosecution raises the request for reconsideration, the investigations conducted, and the documents supporting the request to the criminal circuit of the Supreme Court, accompanied by a report of its opinion and the reasons on which it is based, within three months from the submission of the request. The court may decide to accept or reject the request, and its decision in both cases is final. In case of rejection, it may order the confiscation of all or part of the guarantee.

Article (273)

If the Supreme Court decides to accept the request, it adjudicates it after hearing the statements of the Public Prosecution and the parties, and after conducting what it deems necessary of investigation by itself or through whomever it appoints for that. It rules to cancel the judgment and rules to acquit the accused if the acquittal is evident. Otherwise, it refers the case to the court that issued the judgment, formed from other judges, to adjudicate on the merits, unless it sees fit to do so itself. The court to which the case is returned adheres to what the Supreme Court decided. In this case, a penalty harsher than what was ruled in the reconsidered judgment may not be imposed. However, if it is impossible to reconvene the court, as in the case of the death of the convicted person or the expiration of his penalty, the Supreme Court considers the merits of the case, and only what appears to it to be erroneous is canceled. If the convicted person dies and the request was not submitted by one of those mentioned in Article (269/3) of this Law, the Supreme Court considers the case in the presence of whomever it appoints to defend his memory, who shall be as much as possible from the relatives. In this case, it rules, when necessary, to erase what affects this memory.

Article (274)

The request for reconsideration does not result in suspending the execution of the judgment unless it is an execution judgment. In other cases, the court may order the suspension of execution in its decision accepting the request for reconsideration.

Article (275)

If the request for reconsideration is rejected, it may not be renewed based on the same facts on which it was based.

Article (276)

The cancellation of the appealed judgment results in the lapse of the judgment for compensations and the obligation to refund what was executed thereof.

Article (277)

Every judgment of acquittal issued based on a request for reconsideration must be published at the expense of the State in the Official Gazette and in one of the local daily newspapers chosen by the concerned person.

Article (278)

Judgments issued by courts other than the Supreme Court on the merits of the case based on a request for reconsideration may be appealed by all methods permitted by law.

Chapter Six
Authority of Final Judgments

Article (279)

If a judgment is issued on the merits of the public lawsuit, it may not be reconsidered except by appealing this judgment through the methods permitted in this Law. It is not permissible to return to the public lawsuit after it has been finally adjudicated based on the appearance of new evidence, new circumstances, or based on a change in the legal description of the charge.

Article (280)

The criminal judgment issued on the merits of the public lawsuit, whether acquittal or conviction, has authority that civil courts must adhere to in lawsuits that have not been finally adjudicated, regarding the fact of the crime, its legal description, and its attribution to its perpetrator. The judgment of acquittal has this authority whether based on the absence of the charge or on insufficient evidence. It does not have this authority if it is based on the incident not being punishable by law.

Article (281)

Judgments issued in civil matters do not have authority before the courts hearing the public lawsuit regarding the fact of the crime and its attribution to its perpetrator.

Article (282)

Judgments issued by Sharia courts, within the limits of their jurisdiction, have the authority of res judicata before the court hearing the public lawsuit in matters on which the adjudication of this lawsuit depends.

Part Five
Execution
Chapter One
Judgments Subject to Execution

Article (283)

Penalties prescribed by law for any crime may not be executed except based on a judgment issued by a competent court.

Article (284)

Criminal judgments may not be executed until they become final, unless the law stipulates otherwise. Judgments for fines and confiscations are immediately enforceable even if appealed. Likewise, judgments of imprisonment in theft, or against a repeat offender, or who has no known place of residence in the Sultanate, and judgments of imprisonment if the convicted person does not provide a guarantee that if he appeals the judgment, he will attend the session and not evade the execution of the judgment to be issued. Every such judgment must specify the amount of the guarantee. When adjudicating compensations for the civil claimant, the court may order provisional execution, even if appealed, with the provision of a guarantee, and it may exempt the convicted person from the guarantee.

Article (285)

The Public Prosecution is responsible for executing enforceable judgments issued in the public lawsuit. It may seek the assistance of the public authority when necessary. Judgments issued in the civil lawsuit are executed based on the request of the civil claimant according to what is prescribed by law.

Article (286)

The accused held in preventive detention is immediately released if the judgment is an acquittal, a measure not restricting freedom, or a penalty not requiring imprisonment, or if the judgment orders the suspension of the penalty's execution, or if the accused has served in preventive detention a period equal to the adjudged penalty.

Chapter Two
Execution of the Death Penalty

Article (287)

The person sentenced to death is detained in the prison designated for that based on an order issued by the Public Prosecution until the judgment is executed on him.

Article (288)

The death penalty may not be executed except after its ratification by His Majesty the Sultan.

Article (289)

The relatives of the person sentenced to death may meet him during the three days preceding the date of execution of the judgment in a place away from the execution site.

Article (290)

The death penalty is executed based on a request from the Public Prosecutor in the place designated for that inside the prison or in another covered place. If the sentenced person requests to meet the prison imam or one of his clergymen before execution, the necessary facilities must be provided to enable him to do so. The execution is attended by one of the Public Prosecution members, the person in charge of managing the prison, the imam, the prison doctor or a doctor appointed by the Public Prosecution, and the victim's next of kin or his legal representative if the execution is for retribution. No one other than those mentioned may attend the execution except with special permission from the Public Prosecutor. The defender of the sentenced person must always be permitted to attend.

Article (291)

The operative part of the death sentence and the charge for which he was convicted are read to the sentenced person at the execution site in the hearing of those present. If the sentenced person wishes to make statements, the Public Prosecution member records them in a report. If the execution is for retribution and the victim's next of kin accepts a bloodwit before its execution, the death penalty is replaced by life imprisonment. Upon completion of the execution, the Public Prosecution member records a report thereof, including the doctor's certificate of death and the time it occurred.

Article (292)

The death penalty is not executed on official holidays, religious holidays, or the religious holidays specific to the sentenced person's religion.

Article (293)

The execution of the death penalty on a pregnant woman is postponed until she delivers her child. If she gives birth to a live child, the execution is postponed for a period of two years for breastfeeding. If the child dies before that, the penalty is executed after forty days from the date of death. If she gives birth to a stillborn child, the death penalty is executed against her after sixty days from the date of delivery. In all cases, she is imprisoned until the time of execution.

Article (294)

The Public Prosecutor shall organize by his decision the necessary procedures and controls for executing the death penalty that are not mentioned in this Chapter.

Article (295)

The body of the person executed by death penalty is buried at the expense of the State, unless he has relatives who request to do so. The burial must be without any ceremony of any kind.

Chapter Three
Execution of Restrictive Freedom Penalties and Conditional Release

Article (296)

Judgments imposing restrictive freedom penalties are executed in the prisons designated for that by virtue of an order issued by the Public Prosecution.

Article (297)

The day on which execution begins is counted against the convicted person from the penalty period, and he is released on the day his penalty ends. If the release date falls on an official holiday, the prisoner is released on the preceding day.

Article (298)

The period of the restrictive freedom penalty begins from the day the convicted person is arrested based on the judgment requiring execution, taking into account its reduction by the period of preventive detention and the period of arrest.

Article (299)

If the accused is acquitted of the crime for which he was preventively detained, or a decision is issued to dismiss the investigation, the period of preventive detention is deducted from the period adjudged for any crime he committed during preventive detention or before it.

Article (300)

In case of multiple restrictive freedom penalties imposed on the accused, the period of preventive detention and the period of arrest are deducted first from the lightest penalty.

Article (301)

If a woman sentenced to a restrictive freedom penalty is pregnant, her execution may be postponed until she delivers and three months pass after delivery.

Article (302)

If the person sentenced to a restrictive freedom penalty is suffering from a disease that threatens his life or makes the execution endanger his life, the execution of the penalty against him may be postponed.

Article (303)

If the person sentenced to a restrictive freedom penalty becomes insane, mentally disordered, mentally weak, or seriously mentally ill, losing the ability to control his actions absolutely, the execution of the penalty must be postponed until he recovers. He is placed in a treatment facility by a decision of the Public Prosecutor, and the period he spends therein is deducted from the adjudged penalty period.

Article (304)

If both a man and his wife are sentenced to restrictive freedom penalties, the execution of the penalty on one of them may be postponed until the other is released, provided they are supporting a minor under fifteen years of age and they have a known place of residence in the Sultanate.

Article (305)

If one of the ascendants, descendants, or relatives up to the third degree of the person sentenced to a restrictive freedom penalty dies, the execution may be postponed for a period not exceeding three days to participate in the condolence ceremonies.

Article (306)

The postponement of the execution of the restrictive freedom penalty according to the articles in this

Chapter is by an order from the Public Prosecutor, whether sua sponte or based on a request from the concerned parties. He may order taking whatever precautions he deems sufficient to prevent the convicted person from fleeing.

Article (307)

Except in the cases permitted by law, the convicted person may not be released before serving the full period of the adjudged penalty.

Article (308)

If there are multiple restrictive freedom penalties, the most severe penalty must be executed first.

Article (309)

Conditional release may be granted to every person finally sentenced to a restrictive freedom penalty if he has spent two-thirds of the penalty period in prison, provided it is not less than six months, and his conduct during his presence in prison warrants confidence in his reform, provided that his release does not pose a danger to public security. If the penalty is life imprisonment, release is only permissible if the convicted person has spent at least twenty years in prison. The person conditionally released is subject during the remainder of the adjudged period to the conditions and provisions stipulated in the Prisons Law. The conditional release may be revoked if the released person breaches any of the conditions on which the release was based, and he is returned to prison to serve the remainder of the adjudged penalty. The order for conditional release and its revocation is issued by a decision from the Director General of Prisons after the approval of a committee formed by a decision from the Inspector General of Police and Customs.

Article (310)

Conditional release is not permissible unless the convicted person fulfills the financial obligations adjudged in the crime, unless it is impossible for him to fulfill them.

Article (311)

Measures adjudged are not executed until after the execution of restrictive freedom penalties. As an exception, a measure of placement in a treatment facility is executed before the execution of any penalty. Material measures are executed immediately unless the judgment stipulates otherwise.

Chapter Five
Challenges in Execution

Article (312)

Any challenge from the convicted person regarding the execution is raised to the court that issued the judgment. The dispute is presented to the court via the Public Prosecution expediently. The Public Prosecution summons the concerned parties to attend the session set for its consideration. If the challenge concerns the execution of a death penalty judgment, it may be reported to the person in charge of managing the prison or the place where the execution is carried out, and he must raise it immediately to the Public Prosecution to present the dispute to the court.

Article (313)

The court adjudicates the dispute in chambers after hearing the statements of the Public Prosecution and the concerned parties. The court may conduct the investigations it deems necessary. In all cases, it may order the suspension of execution until the dispute is adjudicated. The Public Prosecutor may, when necessary and before presenting the dispute to the court, temporarily suspend the execution of the judgment.

Article (314)

The challenger may, in all cases, appoint an agent to present his defense, without prejudice to the court's right to order his personal attendance.

Article (315)

If a dispute arises about the identity of the convicted person, it is adjudicated in the manner and procedures stipulated in Articles (312), (313), and (314) of this Law.

Article (316)

In case of execution of financial judgments on the funds of the convicted person, if a dispute arises from others regarding those funds, the matter is raised to the competent civil court according to the procedures prescribed by law.

Chapter Six
Settlement of Adjudged Amounts

Article (317)

When settling the amounts due to the State for the fine, what must be returned, compensations, and expenses, the Public Prosecution must, before execution, notify the convicted person of the amount of these sums unless they are determined in the judgment.

Article (318)

The amounts stipulated in Article (317) of this Law may be collected in accordance with the system for collecting taxes, fees, and other amounts due to units of the State Administrative Apparatus issued by Sultanic Decree No. 32/94.

Article (319)

If a fine, what must be returned, compensations, and expenses are adjudged, and the convicted person's funds are insufficient for the adjudged amounts, what is collected must be distributed among the right holders according to the following order:

1- Fines and expenses.

2- Amounts due to the State for return and compensation.

3- Amounts due to the civil claimant.

Article (320)

If a person is preventively detained and is only sentenced to a fine, five Riyals must be deducted from it for each day of detention upon execution. If he is sentenced to imprisonment and a fine together, and the period he spent in preventive detention exceeds the imprisonment period adjudged, the equivalent amount for each day of excess must be deducted from the fine.

Article (321)

The president of the Primary Court in whose jurisdiction the execution takes place may, in exceptional circumstances, grant the convicted person, based on his request and after taking the opinion of the Public Prosecution, a delay for paying the amounts due to the State or permit him to pay them in installments, provided the period does not exceed one year. The order issued accepting or rejecting the request is not subject to appeal. If the convicted person delays paying an installment, the remaining installments become due. The president of the court may cancel the order issued by him if he finds reason to do so.

Article (322)

Physical coercion may be used to collect fines and other amounts stipulated in Article (317) of this Law. The convicted person is imprisoned, and its duration is calculated considering one day for every five Riyals. The duration of coercion may not exceed six months. If there are multiple judgments, execution is based on the total adjudged amounts, provided the coercion period does not exceed one year.

Article (323)

Execution of physical coercion is by an order from the Public Prosecution after notifying the convicted person and after he has served all periods of restrictive freedom penalties adjudged against him.

Article (324)

Physical coercion ends if the amount equivalent to the period the convicted person spent in coercion imprisonment becomes equal to the originally required amount after deducting what the convicted person may have paid or what was collected from him by execution on his properties.

Article (325)

The convicted person's obligation for the fine and other amounts stipulated in Article (317) of this Law is extinguished by the execution of physical coercion against him.

Article (326)

The convicted person may request at any time from the Public Prosecution, before the issuance of the physical coercion order, to be assigned manual or industrial work without compensation in one of the units of the State Administrative Apparatus for a period equal to the coercion period that would have been executed. The works in which the convicted person may be employed are determined by a decision of the Public Prosecutor, ensuring that the work period does not exceed seven hours daily. If the convicted person is absent from his shift without an acceptable excuse or does not perform it satisfactorily, the judgment for physical coercion is executed against him.

Article (327)

If the convicted person does not execute the judgment issued for the civil claimant after being warned to pay, the Misdemeanor Court in whose jurisdiction his place of residence falls may, if it is proven to it that he is able to pay and ordered him to do so but he did not comply, sentence him to physical coercion for a period not exceeding three months. Nothing is deducted from the compensations for the coercion in this case. The lawsuit is raised by the civil claimant through the usual methods.

Part Six
Miscellaneous Provisions
Chapter One
Lapse of Penalty by Time and Death of the Convicted Person

Article (328)

The adjudged penalty in a felony lapses after twenty years, except for the death penalty which lapses after thirty years. The adjudged penalty in a misdemeanor lapses after five years, and in a violation after two years. The period starts from the time the judgment becomes final, unless the penalty was adjudged in absentia for a felony, in which case the period starts from the day the judgment was issued.

Article (229)

The party liable for the civil right is treated as the accused regarding the expenses of the civil lawsuit.

Chapter Five
Methods of Appealing Judgments

1- Objection
Article (230)

An objection is permissible for the convicted person and the party liable for the civil right against judgments in absentia issued in misdemeanors and violations before the court that issued the judgment within two weeks from the date of its notification. The objection results in the suspension of the judgment's execution.

Article (231)

The objection is raised by a memorandum deposited with the court secretariat, which records the date of the session set for its consideration. This is considered notification thereof, even if the memorandum is from an agent. The Public Prosecution must summon the other parties to attend the set session and notify the witnesses.

Article (232)

The objection results in the reconsideration of the lawsuit regarding the objector. The objector shall not be prejudiced by his objection.

Article (233)

The objection is considered as if it never occurred if the objector does not attend the session set for its consideration. In this case, the court may order provisional execution of the judgment with the provision of a guarantee, even if it is appealed, regarding the compensations. It may exempt the convicted person from the guarantee. The judgment issued in the objection may not be objected to.

2- Appeal
Article (234)

The Public Prosecution and the convicted person may appeal judgments issued in misdemeanors and in violations where the penalty is imprisonment, whether the judgment is in presence, in absentia, or issued in an objection to a judgment in absentia.

Article (235)

Judgments issued in the civil lawsuit in misdemeanors and violations may be appealed by the convicted person, the civil claimant, and the party liable for the civil right regarding the civil right alone, if the claimed compensation exceeds the threshold for final judgment by the summary judge.

Article (236)

The judgment issued in crimes connected to each other in an inseparable manner may be appealed, even if the appeal is permissible only for some of the crimes.

Article (237)

The appeal period is thirty days from the date of pronouncing the judgment if it is in presence or issued in an objection, and from the date it becomes unobjectionable if it is in absentia, for the convicted person, the civil claimant, and the party liable for the civil right. It is forty-five days for the Public Prosecution.

Article (238)

The appeal period for judgments considered in presence according to Articles (166) and (167) of this Law starts for the convicted person from the date of his notification thereof.

Article (239)

The appeal is raised by a memorandum deposited with the secretariat of the court that issued the judgment. If the accused is imprisoned, he submits the appeal before the person in charge of managing the prison, who presents the memorandum to the court secretariat immediately. The appeal is considered expeditiously.

Article (240)

A session to consider the appeal is set within fifteen days at most from the date of depositing the appeal memorandum. The date of the session set for its consideration is recorded therein. This is considered notification thereof, even if the memorandum is from an agent. The Public Prosecution must summon the other parties to attend the session.

Article (241)

If the court finds the appeal formally acceptable, it hears the statements and requests of the appellant. Then the other parties speak, and the convicted person is the last to speak.

Article (242)

If the appeal is raised by the Public Prosecution, the court may affirm the judgment, cancel it, or amend it, whether against the convicted person or in his favor. The penalty adjudged may not be aggravated nor may an acquittal judgment be issued except by unanimous opinions of the court judges. If the appeal is raised by someone other than the Public Prosecution, the court may only affirm, cancel, or amend the judgment in favor of the appellant.

Article (243)

If the Misdemeanor Court rules on the merits, and the Misdemeanor Court of Appeal finds a nullity in the procedures or the judgment, it corrects the nullity and adjudicates the case. However, if it ruled on lack of jurisdiction or accepted a plea that results in preventing the proceedings of the lawsuit, and the Misdemeanor Court of Appeal cancels the judgment and rules on the court's jurisdiction or rejects the plea and considers the lawsuit, it must return the case to the Misdemeanor Court to adjudicate on the merits.

Article (244)

Judgments issued before adjudicating the merits of the lawsuit may not be appealed. Appealing the judgment on the merits results in appealing these judgments. However, judgments issued on the court's jurisdiction or lack of jurisdiction may be appealed.

3- Appeal before the Supreme Court

Article (245)

Each of the Public Prosecution, the convicted person, the party liable for the civil right, and the claimant thereof may appeal by way of cassation before the Supreme Court against judgments issued by the

court of last instance in felonies and misdemeanors in the following cases:
1- If the judgment is based on a violation of the law or an error in its application or interpretation.
2- If a nullity occurs in the judgment.
3- If a nullity occurs in the procedures that affected the judgment.

The civil claimant or the party liable for the civil right may only appeal regarding this right. The Public Prosecution must appeal by cassation against judgments issuing execution.

Article (246)
It is presumed that procedures were followed during the lawsuit. However, the concerned party may prove by all means that those procedures were omitted or violated, if they are not mentioned in the session report or in the judgment. If they are mentioned in one of them as having been followed, their non-following may not be proven except by way of challenging for forgery.

Article (247)
Judgments issued before adjudicating the merits may not be appealed by cassation unless they result in preventing the proceedings of the lawsuit.

Article (248)
The Public Prosecution, the civil claimant, and the party liable for the civil right, each in his respective capacity, may appeal by cassation the judgment issued by the Criminal Court in the absence of the accused in a felony.

Article (249)
The appeal is submitted by a memorandum deposited with the secretariat of the court that issued the judgment within forty days from the date of the judgment in presence, or from the expiry of the objection period, or from the date of the judgment

issued therein. The grounds for appeal must be deposited within this period. However, if the judgment is an acquittal and the appellant obtains a certificate of non-deposit of the judgment according to Article (222) of this Law, the appeal and its grounds are accepted within ten days from the date the appellant is notified of the deposit of the judgment with the court secretariat. If the appeal is raised by the Public Prosecution, its grounds must be signed by at least a Chief Public Prosecutor. If raised by others, its grounds must be signed by a lawyer admitted to practice before the Supreme Court.

Article (250)
No grounds other than those presented within the period may be presented before the Supreme Court. However, the court may quash the judgment for reasons of law sua sponte if it becomes clear to it from what is established therein that it is based on a violation of the law, an error in its application or interpretation, or that the court that issued it was not formed according to the law or had no jurisdiction to adjudicate the lawsuit, or if a law favorable to the accused is enacted after the appealed judgment.

Article (251)
The appeal is recorded in a special register. A copy thereof is sent to each of the appellees within twenty days from the date of deposit. The appellee may respond with a memorandum within ten days from the date of his notification.

Article (252)

Upon the expiry of the periods stipulated in Article (251) of this Law, the secretariat must immediately send the complete papers to the secretariat of the Supreme Court to record the appeal in its registers. The secretariat sends these appeals to the Public Prosecution at the Court, along with all the papers.

Article (253)

The Public Prosecution must submit a memorandum of opinion on each appeal regarding form and substance. It is deposited in the appeal file. The file is then presented to the head of the competent circuit to set a session for considering the appeal.

Article (254)

If the appeal is not raised by the Public Prosecution or by a convicted person sentenced to a restrictive freedom penalty, the appellant must deposit with the treasury of the court that issued the judgment an amount of two hundred Riyals as a guarantee, unless exempted from depositing it by a decision of the Legal Aid Committee. The State collects this guarantee as well as some of the judicial fees.

Article (255)

The court rules to confiscate the guarantee amount if it decides that the appeal is impermissible, not accepted, or rejected. It may, in misdemeanors, rule in these cases for a fine not exceeding two hundred Riyals.

Article (256)

Appealing before the Supreme Court does not result in suspending the execution of the judgment unless it is an execution judgment or the court finds a justification for that.

Article (257)

Only the part of the judgment related to the grounds on which the appeal is based is quashed, unless segregation is impossible. If the appeal is not presented by the Public Prosecution, the judgment is quashed only regarding the appellant, unless the grounds on which the appeal is based also concern other accused with him. In this case, the judgment is quashed regarding them as well, even if they did not present an appeal.

Article (258)

The appeal is referred to one of the court members to prepare a report including the facts of the case, the grounds for the appeal, and the response thereto if any, without giving an opinion thereon.

Article (259)

The court rules on the appeal after reading the report prepared by the court member. It may hear the statements of the Public Prosecution and the defenders of the parties if it finds that necessary.

Article (260)

If the appeal or its grounds are presented after the period, the court rules not to accept it. If the appeal is accepted and is based on the appealed judgment being based on a violation of the law or an error in its application or interpretation, the court corrects the error and rules according to the law. If the appeal is based on a nullity that occurred in the appealed judgment or a nullity in the procedures that affected the judgment, the court quashes the judgment and returns the case to the court that issued it to adjudicate it anew, formed from other judges. However, it may, when necessary, refer it to another court. If the quashed judgment was issued by the Misdemeanor Court of Appeal or by the Criminal Court in a misdemeanor that occurred in the session, the case is returned to the court originally competent to hear it.

Article (261)

The judgment may not be quashed merely for containing a deficiency in reasoning, provided that the adjudged penalty is prescribed by law for the crime proven in the judgment. The court suffices with correcting that error.

Article (262)

If the quashing of the judgment occurs based on an appeal by one of the parties other than the Public Prosecution, he shall not be prejudiced by his appeal.

Article (263)

If the quashing of the judgment is based on a legal issue, the court on the merits to which the case is returned must adhere to the ruling of the Supreme Court on this issue. The court on the merits may not, in any case, rule contrary to the principles established by the panel stipulated in Article (9) of the Judicial Authority Law.

Article (264)

If the judgment issued by the court to which the case is returned is appealed, the Supreme Court adjudicates on the merits according to the procedures prescribed for the court competent for the crime subject of the case.

Article (265)

The Public Prosecutor, sua sponte or based on a request from the Minister of Justice, may request the Supreme Court at any time after the expiry of the prescribed appeal periods to cancel or amend any judgment, order, or judicial decision for the benefit of the law, if the judgment, order, or decision involves a violation of the law or an error in its application, in the following two cases:

1- Judgments that the law does not permit the parties to appeal.

2- Judgments for which the parties missed the appeal period, waived the appeal, or raised an appeal that was decided to be unacceptable.

Article (266)

The appeal for the benefit of the law is recorded in the registers of the Public Prosecution and the Supreme Court. The court considers it in chambers.

Article (267)

The judgment issued in the appeal for the benefit of the law has no effect unless it is issued in favor of the convicted person or the party liable for the civil right.

4- Reconsideration

Article (268)

A request for reconsideration of final judgments imposing penalties in felonies and misdemeanors is permissible in the following cases:

- If a person is convicted of a murder crime and then the murdered person is found alive.

- If a judgment is issued against a person for an incident, and then a judgment is issued against another person for the same incident, and there is a contradiction between the two judgments from which the innocence of one of the convicted persons can be inferred.
- If a witness or an expert is convicted of the penalty for false testimony, or forgery of a paper presented in the lawsuit is adjudicated, and the testimony, expert report, or paper had an influence on the judgment requested to be reconsidered.
- If the judgment is based on a judgment issued by another judicial authority and that judgment is annulled.
- If after the judgment, facts occur or papers appear that were not known at the time of adjudication, and these facts or papers would prove the innocence of the convicted person.

Article (269)

The request for reconsideration is accepted from:

- The Public Prosecution.
- The convicted person or his legal representative if he is incapacitated or restrained.
- The spouse of the convicted person or his heirs after his death, or his relatives up to the fourth degree.

Article (270)

The request for reconsideration is submitted to the Public Prosecutor - if submitted by others - by a petition stating the judgment requested to be reconsidered and the reason for the request. The request is accompanied by supporting documents.

Article (271)

If the request for reconsideration is not submitted by the Public Prosecution, a guarantee of one hundred Riyals must be deposited upon its submission, unless exempted therefrom by a decision of the Legal Aid Committee. This guarantee is collected as well as some of the judicial fees.

Article (272)

The Public Prosecution raises the request for reconsideration, the investigations conducted, and the documents supporting the request to the criminal circuit of the Supreme Court, accompanied by a report of its opinion and the reasons on which it is based, within three months from the submission of the request. The court may decide to accept or reject the request, and its decision in both cases is final. In case of rejection, it may order the confiscation of all or part of the guarantee.

Article (273)

If the Supreme Court decides to accept the request, it adjudicates it after hearing the statements of the Public Prosecution and the parties, and after conducting what it deems necessary of investigation by itself or through whomever it appoints for that. It rules to cancel the judgment and rules to acquit the accused if the acquittal is evident. Otherwise, it refers the case to the court that issued the judgment, formed from other judges, to adjudicate on the merits, unless it sees fit to do so itself. The court to which the case is returned adheres to what the Supreme Court decided. In this case, a penalty harsher than what was ruled in the reconsidered judgment may not be imposed. However, if it is impossible to reconvene the court, as in the case of the death of the convicted person or the expiration of his penalty, the Supreme Court considers the merits of the case, and only what appears to it to be erroneous is canceled. If the convicted person dies and the request was not submitted by one of those mentioned in Article (269/3) of this Law, the Supreme Court considers the case in the presence of whomever it appoints to defend his memory, who shall be as much as possible from the relatives. In this case, it rules, when necessary, to erase what affects this memory.

Article (274)

The request for reconsideration does not result in suspending the execution of the judgment unless it is an execution judgment. In other cases, the court may order the suspension of execution in its decision accepting the request for reconsideration.

Article (275)

If the request for reconsideration is rejected, it may not be renewed based on the same facts on which it was based.

Article (276)

The cancellation of the appealed judgment results in the lapse of the judgment for compensations and the obligation to refund what was executed thereof.

Article (277)

Every judgment of acquittal issued based on a request for reconsideration must be published at the expense of the State in the Official Gazette and in one of the local daily newspapers chosen by the concerned person.

Article (278)

Judgments issued by courts other than the Supreme Court on the merits of the case based on a request for reconsideration may be appealed by all methods permitted by law.

Chapter Six
Authority of Final Judgments

Article (279)

If a judgment is issued on the merits of the public lawsuit, it may not be reconsidered except by appealing this judgment through the methods permitted in this Law. It is not permissible to return to the public lawsuit after it has been finally adjudicated based on the appearance of new evidence, new circumstances, or based on a change in the legal description of the charge.

Article (280)

The criminal judgment issued on the merits of the public lawsuit, whether acquittal or conviction, has authority that civil courts must adhere to in lawsuits that have not been finally adjudicated, regarding the fact of the crime, its legal description, and its attribution to its perpetrator. The judgment of acquittal has this authority whether based on the absence of the charge or on insufficient evidence. It does not have this authority if it is based on the incident not being punishable by law.

Article (281)

Judgments issued in civil matters do not have authority before the courts hearing the public lawsuit regarding the fact of the crime and its attribution to its perpetrator.

Article (282)

Judgments issued by Sharia courts, within the limits of their jurisdiction, have the authority of res judicata before the court hearing the public lawsuit in matters on which the adjudication of this lawsuit depends.

Part Five
Execution
Chapter One
Judgments Subject to Execution

Article (283)

Penalties prescribed by law for any crime may not be executed except based on a judgment issued by a competent court.

Article (284)

Criminal judgments may not be executed until they become final, unless the law stipulates otherwise. Judgments for fines and confiscations are immediately enforceable even if appealed. Likewise, judgments of imprisonment in theft, or against a repeat offender, or who has no known place of residence in the Sultanate, and judgments of imprisonment if the convicted person does not provide a guarantee that if he appeals the judgment, he will attend the session and not evade the execution of the judgment to be issued. Every such judgment must specify the amount of the guarantee. When adjudicating compensations for the civil claimant, the court may order provisional execution, even if appealed, with the provision of a guarantee, and it may exempt the convicted person from the guarantee.

Article (285)

The Public Prosecution is responsible for executing enforceable judgments issued in the public lawsuit. It may seek the assistance of the public authority when necessary. Judgments issued in the civil lawsuit are executed based on the request of the civil claimant according to what is prescribed by law.

Article (286)

The accused held in preventive detention is immediately released if the judgment is an acquittal, a measure not restricting freedom, or a penalty not requiring imprisonment, or if the judgment orders the suspension of the penalty's execution, or if the accused has served in preventive detention a period equal to the adjudged penalty.

Chapter Two
Execution of the Death Penalty

Article (287)

The person sentenced to death is detained in the prison designated for that based on an order issued by the Public Prosecution until the judgment is executed on him.

Article (288)

The death penalty may not be executed except after its ratification by His Majesty the Sultan.

Article (289)

The relatives of the person sentenced to death may meet him during the three days preceding the date of execution of the judgment in a place away from the execution site.

Article (290)

The death penalty is executed based on a request from the Public Prosecutor in the place designated for that inside the prison or in another covered place. If the sentenced person requests to meet the prison imam or one of his clergymen before execution, the necessary facilities must be provided to enable him to do so. The execution is attended by one of the Public Prosecution members, the person in charge of managing the prison, the imam, the prison doctor or a doctor appointed by the Public Prosecution, and the victim's next of kin or his legal representative if the execution is for retribution. No one other than those mentioned may attend the execution except with special permission from the Public Prosecutor. The defender of the sentenced person must always be permitted to attend.

Article (291)

The operative part of the death sentence and the charge for which he was convicted are read to the sentenced person at the execution site in the hearing of those present. If the sentenced person wishes to make statements, the Public Prosecution member records them in a report. If the execution is for retribution and the victim's next of kin accepts a bloodwit before its execution, the death penalty is replaced by life imprisonment. Upon completion of the execution, the Public Prosecution member records a report thereof, including the doctor's certificate of death and the time it occurred.

Article (292)

The death penalty is not executed on official holidays, religious holidays, or the religious holidays specific to the sentenced person's religion.

Article (293)

The execution of the death penalty on a pregnant woman is postponed until she delivers her child. If she gives birth to a live child, the execution is postponed for a period of two years for breastfeeding. If the child dies before that, the penalty is executed after forty days from the date of death. If she gives birth to a stillborn child, the death penalty is executed against her after sixty days from the date of delivery. In all cases, she is imprisoned until the time of execution.

Article (294)

The Public Prosecutor shall organize by his decision the necessary procedures and controls for executing the death penalty that are not mentioned in this Chapter.

Article (295)

The body of the person executed by death penalty is buried at the expense of the State, unless he has relatives who request to do so. The burial must be without any ceremony of any kind.

Chapter Three
Execution of Restrictive Freedom Penalties and Conditional Release

Article (296)

Judgments imposing restrictive freedom penalties are executed in the prisons designated for that by virtue of an order issued by the Public Prosecution.

Article (297)

The day on which execution begins is counted against the convicted person from the penalty period, and he is released on the day his penalty ends. If the release date falls on an official holiday, the prisoner is released on the preceding day.

Article (298)

The period of the restrictive freedom penalty begins from the day the convicted person is arrested based on the judgment requiring execution, taking into account its reduction by the period of preventive detention and the period of arrest.

Article (299)

If the accused is acquitted of the crime for which he was preventively detained, or a decision is issued to dismiss the investigation, the period of preventive detention is deducted from the period adjudged for any crime he committed during preventive detention or before it.

Article (300)

In case of multiple restrictive freedom penalties imposed on the accused, the period of preventive detention and the period of arrest are deducted first from the lightest penalty.

Article (301)

If a woman sentenced to a restrictive freedom penalty is pregnant, her execution may be postponed until she delivers and three months pass after delivery.

Article (302)

If the person sentenced to a restrictive freedom penalty is suffering from a disease that threatens his life or makes the execution endanger his life, the execution of the penalty against him may be postponed.

Article (303)

If the person sentenced to a restrictive freedom penalty becomes insane, mentally disordered, mentally weak, or seriously mentally ill, losing the ability to control his actions absolutely, the execution of the penalty must be postponed until he recovers. He is placed in a treatment facility by a decision of the Public Prosecutor, and the period he spends therein is deducted from the adjudged penalty period.

Article (304)

If both a man and his wife are sentenced to restrictive freedom penalties, the execution of the penalty on one of them may be postponed until the other is released, provided they are supporting a minor under fifteen years of age and they have a known place of residence in the Sultanate.

Article (305)

If one of the ascendants, descendants, or relatives up to the third degree of the person sentenced to a restrictive freedom penalty dies, the execution may be postponed for a period not exceeding three days to participate in the condolence ceremonies.

Article (306)

The postponement of the execution of the restrictive freedom penalty according to the articles in this Chapter is by an order from the Public Prosecutor, whether sua sponte or based on a request from the concerned parties. He may order taking whatever precautions he deems sufficient to prevent the convicted person from fleeing.

Article (307)

Except in the cases permitted by law, the convicted person may not be released before serving the full period of the adjudged penalty.

Article (308)

If there are multiple restrictive freedom penalties, the most severe penalty must be executed first.

Article (309)

Conditional release may be granted to every person finally sentenced to a restrictive freedom penalty if he has spent two-thirds of the penalty period in prison, provided it is not less than six months, and his conduct during his presence in prison warrants confidence in his reform, provided that his release does not pose a danger to public security. If the penalty is life imprisonment, release is only permissible if the convicted person has spent at least twenty years in prison. The person conditionally released is subject during the remainder of the adjudged period to the conditions and provisions stipulated in the Prisons Law. The conditional release may be revoked if the released person breaches any of the conditions on which the release was based, and he is returned to prison to serve the remainder of the adjudged penalty. The order for conditional release and its revocation is issued by a decision from the Director General of Prisons after the approval of a committee formed by a decision from the Inspector General of Police and Customs.

Article (310)

Conditional release is not permissible unless the convicted person fulfills the financial obligations adjudged in the crime, unless it is impossible for him to fulfill them.

Article (311)

Measures adjudged are not executed until after the execution of restrictive freedom penalties. As an exception, a measure of placement in a treatment facility is executed before the execution of any penalty. Material measures are executed immediately unless the judgment stipulates otherwise.

Chapter Five
Challenges in Execution

Article (312)

Any challenge from the convicted person regarding the execution is raised to the court that issued the judgment. The dispute is presented to the court via the Public Prosecution expediently. The Public Prosecution summons the concerned parties to attend the session set for its consideration. If the challenge concerns the execution of a death penalty judgment, it may be reported to the person in charge of managing the prison or the place where the execution is carried out, and he must raise it immediately to the Public Prosecution to present the dispute to the court.

Article (313)

The court adjudicates the dispute in chambers after hearing the statements of the Public Prosecution and the concerned parties. The court may conduct the investigations it deems necessary. In all cases, it may order the suspension of execution until the dispute is adjudicated. The Public Prosecutor may, when necessary and before presenting the dispute to the court, temporarily suspend the execution of the judgment.

Article (314)

The challenger may, in all cases, appoint an agent to present his defense, without prejudice to the court's right to order his personal attendance.

Article (315)

If a dispute arises about the identity of the convicted person, it is adjudicated in the manner and procedures stipulated in Articles (312), (313), and (314) of this Law.

Article (316)

In case of execution of financial judgments on the funds of the convicted person, if a dispute arises from others regarding those funds, the matter is raised to the competent civil court according to the procedures prescribed by law.

Chapter Six
Settlement of Adjudged Amounts

Article (317)

When settling the amounts due to the State for the fine, what must be returned, compensations, and expenses, the Public Prosecution must, before execution, notify the convicted person of the amount of these sums unless they are determined in the judgment.

Article (318)

The amounts stipulated in Article (317) of this Law may be collected in accordance with the system for collecting taxes, fees, and other amounts due to units of the State Administrative Apparatus issued by Sultanic Decree No. 32/94.

Article (319)

If a fine, what must be returned, compensations, and expenses are adjudged, and the convicted person's funds are insufficient for the adjudged amounts, what is collected must be distributed among the right holders according to the following order:

1- Fines and expenses.

2- Amounts due to the State for return and compensation.

3- Amounts due to the civil claimant.

Article (320)

If a person is preventively detained and is only sentenced to a fine, five Riyals must be deducted from it for each day of detention upon execution. If he is sentenced to imprisonment and a fine together, and the period he spent in preventive detention exceeds the imprisonment period adjudged, the equivalent amount for each day of excess must be deducted from the fine.

Article (321)

The president of the Primary Court in whose jurisdiction the execution takes place may, in exceptional circumstances, grant the convicted person, based on his request and after taking the opinion of the Public Prosecution, a delay for paying the amounts due to the State or permit him to pay them in installments, provided the period does not exceed one year. The order issued accepting or rejecting the request is not subject to appeal. If the convicted person delays paying an installment, the remaining installments become due. The president of the court may cancel the order issued by him if he finds reason to do so.

Article (322)

Physical coercion may be used to collect fines and other amounts stipulated in Article (317) of this Law. The convicted person is imprisoned, and its duration is calculated considering one day for every five Riyals. The duration of coercion may not exceed six months. If there are multiple judgments, execution is based on the total adjudged amounts, provided the coercion period does not exceed one year.

Article (323)

Execution of physical coercion is by an order from the Public Prosecution after notifying the convicted person and after he has served all periods of restrictive freedom penalties adjudged against him.

Article (324)

Physical coercion ends if the amount equivalent to the period the convicted person spent in coercion imprisonment becomes equal to the originally required amount after deducting what the convicted person may have paid or what was collected from him by execution on his properties.

Article (325)

The convicted person's obligation for the fine and other amounts stipulated in Article (317) of this Law is extinguished by the execution of physical coercion against him.

Article (326)

The convicted person may request at any time from the Public Prosecution, before the issuance of the physical coercion order, to be assigned manual or industrial work without compensation in one of the units of the State Administrative Apparatus for a period equal to the coercion period that would have been executed. The works in which the convicted person may be employed are determined by a decision of the Public Prosecutor, ensuring that the work period does not exceed seven hours daily. If the convicted person is absent from his shift without an acceptable excuse or does not perform it satisfactorily, the judgment for physical coercion is executed against him.

Article (327)

If the convicted person does not execute the judgment issued for the civil claimant after being warned to pay, the Misdemeanor Court in whose jurisdiction his place of residence falls may, if it is proven to it that he is able to pay and ordered him to do so but he did not comply, sentence him to physical coercion for a period not exceeding three months. Nothing is deducted from the compensations for the coercion in this case. The lawsuit is raised by the civil claimant through the usual methods.

Part Six
Miscellaneous Provisions
Chapter One
Lapse of Penalty by Time and Death of the Convicted Person

Article (328)

The adjudged penalty in a felony lapses after twenty years, except for the death penalty which lapses after thirty years. The adjudged penalty in a misdemeanor lapses after five years, and in a violation after two years. The period starts from the time the judgment becomes final, unless the penalty was adjudged in absentia for a felony, in which case the period starts from the day the judgment was issued.

Article (329)

The period is interrupted by the arrest of the convicted person for a restrictive freedom penalty, and by every execution procedure taken against him or that reaches his knowledge. The period is also interrupted in non-violations if the convicted person commits during it a crime of the same type as the crime for which he was convicted.

Article (330)

The running of the period is suspended by any obstacle that prevents the execution, whether legal or material.

Article (331)

If the convicted person dies after a final judgment against him, the financial penalties, compensations, what must be returned, and expenses are executed from his estate.

Article (332)

The provisions prescribed by law for the lapse of the period apply to the compensations, what must be returned, and expenses adjudged. However, execution by way of physical coercion is not permissible after the lapse of the period prescribed for the extinction of the penalty.

Chapter Two
Rehabilitation

Article (333)

Rehabilitation is granted to every person convicted of a felony or a misdemeanor violating honor or trust according to the provisions of this Law.

Article (334)

Rehabilitation occurs by operation of law after the full execution of the original and complementary penalties, the issuance of an amnesty for them, or their lapse by the passage of time, provided that five years have passed if the penalty was for a felony, and three years if it was for a misdemeanor.

Article (335)

The Criminal Court convened in chambers may issue a judgment for rehabilitation if requested, provided the following conditions are met:

- The adjudged penalty has been executed, or an amnesty has been issued for it, or it has lapsed by the passage of time.
- Two years have passed from the date of complete execution or the issuance of the amnesty if the penalty was for a felony, and one year if it was for a misdemeanor. The periods are doubled in the cases of conviction for recidivism and lapse of the penalty by the passage of time.

Article (336)

The request for rehabilitation is submitted by a petition to the Public Prosecution to which the applicant's place of residence belongs. The request must include the necessary data to identify his person, and must state the date of the judgment issued against him and the places he has resided in since that time.

Article (337)

The Public Prosecution conducts an investigation regarding the request to verify the date of the applicant's residence in each place since his conviction and the duration of that residence, to ascertain his conduct and sources of livelihood. It collects all information it deems necessary. The investigation is attached to the request and raised to the court within the two months following its submission with a report stating its opinion and the reasons on which it is based. The following are attached to the request:

1- A copy of the judgment issued against the applicant.

2- The criminal record.

3- A report on his conduct during the period of penalty execution.

Article (338)

For the judgment of rehabilitation to be issued, the convicted person must have fulfilled all financial obligations adjudged against him to the State or to individuals, unless these obligations have expired or the convicted person proves that he is in a condition that prevents him from fulfilling them.

Article (339)

If multiple judgments have been issued against the applicant, rehabilitation may not be granted unless the conditions stipulated in the previous articles are met for each judgment, taking into account that the period is calculated from the most recent judgment.

Article (340)

The court considers the request convened in chambers. It may hear the statements of the Public Prosecution and the applicant, and obtain all information it deems necessary. The applicant is notified to attend at least eight days before the session.

Article (341)

Once the conditions for rehabilitation are met, the court rules for it if it finds that the applicant's conduct since the issuance of the judgment against him warrants confidence in his reform. The judgment may only be appealed by way of cassation for error in law application or interpretation.

Article (342)

If the request for rehabilitation is rejected for reasons related to the conduct of the convicted person, it may not be renewed until after the passage of one year. In other cases, it may be renewed once the necessary conditions are met.

Article (343)

The judgment issued for rehabilitation may be canceled if it appears that other judgments were issued against the convicted person that the court was not aware of, or if he is convicted after rehabilitation for a crime that occurred before it. The judgment in this case is issued by the court that ruled for rehabilitation based on a request from the Public Prosecution.

Article (344)

Rehabilitation may not be adjudged for the convicted person more than once.

Article (345)

If a measure was imposed along with the penalty, the period starts from the day the measure ends or lapses by the passage of time. If the convicted person was released conditionally, the period starts only from the date the conditional release becomes final. If the judgment was with suspension of the penalty execution, the period starts from the date of the judgment's issuance.

Article (346)
Rehabilitation results in the erasure of the conviction judgment for the future and the removal of the resulting incapacity, deprivation of rights, and other criminal effects. The Public Prosecution sends a copy of the judgment of rehabilitation to the court that issued the conviction, and to the competent authorities to act accordingly.

Article (347)
Rehabilitation may not be invoked against others regarding the rights that accrue to them from the conviction judgment.

Article (348)
Judgments issued in the following crimes are not considered prior convictions requiring a request for rehabilitation:

- The first offense in a misdemeanor.
- Misdemeanors not violating honor or trust.
- Juvenile crimes unless the law stipulates otherwise.
- Violations.
- Crimes whose special laws stipulate that they are not considered prior convictions.

Chapter Three
Loss of Papers

Article (349)
If the original copy of the judgment is lost before its execution, its official copy stands in its place. If the copy is with a person or authority, the Public Prosecution obtains an order from the president of the court that issued the judgment for its delivery. If it is taken from him, he may request a conforming copy without fees.

Article (350)
The loss of the original copy of the judgment does not result in a retrial once the methods of appealing the judgment have been exhausted.

Article (351)
If the case is pending before a court higher than the court that adjudicated the lawsuit and it is not possible to obtain a copy of the judgment, the court orders a retrial once all the prescribed appeal procedures have been fulfilled.

Article (352)
If all or some of the investigation papers are lost before a decision is issued therein, the investigation is repeated for what its papers were lost. If the case is raised before the court, it undertakes whatever investigation it deems fit.

Article (353)
If all or some of the investigation papers are lost, and the judgment exists and the case is pending before the Supreme Court, the procedures are not repeated unless the court finds a place for that.

Chapter Four
Calculation of Time Limits

Article (354)

Time limits and periods stipulated in this Law are calculated according to the Gregorian calendar unless otherwise stipulated.

Article (355)

If the law sets a time limit for attendance or for an procedure quantified in days, months, or years, the day of notification or the occurrence of the event considered in law as starting the time limit is excluded from the calculation. The time limit expires at the end of the official working hours on the last working day. If the time limit is quantified in weeks, the week from which it starts and the week in which it ends are calculated as above. If the time limit is one that must expire before the procedure, the procedure may not occur until after the expiry of the last day of the time limit. Time limits set by month or year end on the day preceding the corresponding day in the following month or year. In all cases, if the last day of the time limit falls on an official holiday, the time limit extends to the first working day after it.

Article (356)

Distance periods are added to the time limits mentioned in this Law: ten days for those whose domicile is outside the court's jurisdiction, and sixty days for those whose domicile is outside the Sultanate. These periods may be reduced by an order from the competent court according to the ease of transportation and circumstances of urgency. This order is notified to the concerned parties.