

Defence of Unsound Mind: The Two Paths to Acquittal

How Section 84 of the Penal Code saved Geron Ali — and why the Sessions Court got it wrong (Geron Ali v Emperor)

 Malaysian Penal Code (Act 574)

In 1939, a man beheaded two people — including his own daughter — believing he was carrying out a sacred command that would earn him heaven. The Calcutta High Court acquitted him under the defence of unsound mind. That defence still exists in Malaysia today. Section 84 provides **two separate paths** to acquittal; either one alone is sufficient. The Sessions Court had wrongly treated them as a single, combined test.

SECTION 84 — THE TEST

Did mental illness prevent the accused from understanding what he was doing — or that it was wrong?

The law provides **two separate situations**. The accused need only prove **one**. The Sessions Court wrongly required both. The High Court corrected this, holding that the two situations are **disjunctive** — either one is enough.

Situation 1

The accused did not understand the physical nature of what he was doing.

Situation 2

The accused did not understand that what he was doing was wrong or against the law.

He was so mentally unwell that he could not comprehend the act itself – its mechanics, or even that he was performing it.

This was not Geron Ali's situation. He knew he was beheading people. He even presented the heads to his Pir, saying "I present you with two." The Sessions Court relied only on this – and wrongly stopped there.

He knew the physical act, but his mental illness prevented him from grasping that it was morally or legally wrong.

This was Geron Ali's situation. He believed the killings were a sacred, meritorious act. He showed no effort to conceal his actions, no attempt to escape, and later screamed "Ma Kali" – a startling incongruity for a Muslim disciple – further proving his delusion.

⚖️ **Either situation alone is sufficient – the test is disjunctive, not conjunctive.**

✓ DEFENCE ESTABLISHED

Situation 2 satisfied – Geron Ali acquitted of murder

The High Court found that Geron Ali, though aware of his physical acts, **did not know that what he was doing was wrong or contrary to law**. His insanity was proved by his conduct before, during, and after the killings. He was entitled to the protection of Section 84.

⚠️ IMPORTANT

Acquitted – but not released

The High Court ordered Geron Ali to remain in **safe custody** pending further orders. He was not punished – he was not criminally responsible – but he was also not free. Section 84 protects the mentally ill from punishment: it does not always

mean they walk out of court.

© Justiciable. For general information and educational purposes only—not legal advice.

justiciable.media