

I lost a Dh30k ring at a salon. Can I file police complaint?



ASHISH MEHTA LEGAL VIEW

Q I lost a diamond ring at a salon in Dubai that I visited two weeks ago. The salon staff claim that they have not found the ring. This ring costs Dh30,000 and I am desperate to get it back. The salon does not have closed-circuit TV cameras, which could assist the authorities to trace the ring. Do you think I can file a police case against the salon?

A Pursuant to your query, if you are sure that the diamond ring was lost in the salon, you may approach the police station under whose jurisdiction the said salon is situated to file a criminal complaint. The complaint may be in writing or even given in the form of an oral statement before a police officer, who will record your statements in Arabic. Thereafter, you will sign your oral statement.

Once your complaint is registered with the police station, the police may summon the staff of the salon and will obtain an oral or written statement from them. Thereafter, the police officer may refer the complaint to relevant departments within the police station for review and investigations.

Once the aforementioned procedures are followed, the police may transfer your complaint to the public prosecution to refer the case to the criminal court. If the criminal court finds the staff of the salon guilty of stealing your diamond ring, it may sentence the staff concerned to a six-month imprisonment and fine.

This is in accordance with Article 390 of

the Federal Law No. (3) of 1987 on Issuance of Penal Code, which states: "Whoever commits an act of theft to which none of the conditions mentioned in the preceding Articles of this Chapter is applicable shall be punished by detention for at least six months, and by a fine."

In the event the police do not accept your complaint against the salon, you may directly approach the Dubai Public Prosecution.

On the other hand, if the salon has displayed a disclaimer notice that it shall not be responsible for personal belongings of their customers, it could use this to defend itself before the authorities.

Extramarital relationship a criminal offence in UAE

Q I am in a relationship with a man who is separated from his wife. Their divorce has been pending in the courts for many years now. Now that the UAE has legalised cohabitation, will I face any legal implications if I live in with my lover? Please clarify.

A It may be noted that until recently, engaging in a relationship (sexual) with someone who is not married to you was a criminal offence in the UAE and hence punishable by law.

This is in accordance with Article 356 of the Federal Law No. (3) of 1987 Related to Issuance of Penal Code (the 'Penal Law of UAE'), which states: "Without prejudice to the preceding two Articles, the crime of indecent assault with mutual consent shall be punished by detention for at least one year. However, if the crime is committed against a male or female who is under fourteen years of age, or if the crime is

committed by coercion, it shall be punished by temporary imprisonment."

Further, cohabitation without marriage attracted deportation. This is in accordance with Article 121 of the Penal Law of UAE, which states: "If a foreigner has been sentenced to a custodial penalty in a felony or misdemeanour, the court may call in its judgement for the deportation of the convicted foreigner from the state. Deportation orders shall also apply to felonies perpetrated on the honour."

"The court may, in cases of misdemeanours, order the commutation of a custodial penalty stated for a misdemeanour to deportation."

Recently, the UAE government announced reforms in the personal laws, women's safety, suicide, alcohol consumption and laws related to Good Samaritans. The reforms included decriminalising cohabitation of unmarried couples. Therefore, if two unmarried persons are in a living relationship, it may not be considered as a crime henceforth and there may be no imprisonment or penalties for co-habitation.

However, in context of your relationship with your boyfriend who is married, it will be considered a criminal offence in the UAE. If you and your boyfriend are found guilty and sentenced to a custodial penalty, the court may order the deportation of both in accordance with Article 121 of the Penal Law of UAE.

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