

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**763.5 Acquittal on facts and merits as bar to subsequent prosecution.**

Sec. 5. No person shall be held to answer on a second charge or indictment for any offense for which he has been acquitted upon the facts and merits of the former trial but such acquittal may be pleaded or given in evidence by him in bar of any subsequent prosecution for the same offense.

**History:** 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17133;—CL 1948, 763.5.

**Former law:** See section 3 of Ch. 151 of R.S. 1846, being CL 1857, § 5706; CL 1871, § 7505; How., § 9070; CL 1897, § 11798; and CL 1915, § 15625.