



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**CODE OF CRIMINAL PROCEDURE
(AMENDMENT)
ACT, No. 14 OF 2005**

[Certified on 31st May, 2005]

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*Code of Criminal Procedure (Amendment)
Act, No. 14 of 2005*

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L. D. — O. 63/2004.

AN ACT TO AMEND THE CODE OF CRIMINAL PROCEDURE
ACT, NO. 15 OF 1979

Be it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Code of Criminal Procedure (Amendment) Act, No. 14 of 2005. Short title.

2. Section 17 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended by the repeal of subsection (7) of that section and the substitution therefor of the following subsection :—

“(7) When the compensation ordered is by a Magistrate’s Court, such compensation shall not exceed one hundred thousand rupees to each aggrieved party, notwithstanding that such amount is in excess of the amount a Magistrate may normally impose as fine.”.

Amendment of section 17 of Act, No. 15 of 1979.

3. Section 123 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “any specimen of saliva, urine, hair or finger nail”, of the words “any specimen of blood, saliva, urine, hair or finger nail”. Amendment of section 123 of the principal enactment.

4. The following new section is hereby inserted immediately after section 126 of the principal enactment and shall have effect as section 126A of that enactment :—

“Notice of alibi. 126A. (1) No person shall be entitled during a trial on indictment in the High Court, to adduce evidence in support of the defence of an alibi, unless he has —

 - (a) stated such fact to the police at the time of his making his statement during the investigation ; orInsertion of new section 126A in the principal enactment.

- (b) stated such fact at any time during the preliminary inquiry ; or
- (c) raised such defence, after indictment has been served, with notice to the Attorney-General at any time prior to fourteen days of the date of commencement of the trial :

Provided however, the Court may, if it is of opinion that the accused has adduced reasons which are sufficient to show why he delayed to raise the defence of alibi within the period set out above, permit the accused at any time thereafter but prior to the conclusion of the case for the prosecution, to raise the defence of alibi.

(2) The original statement should contain all such information as to the time and place at which such person claims he was and details as to the persons if any, who may furnish evidence in support of his alibi.

(3) For the purposes of this section “evidence in support of an alibi” means evidence tending to show that by reason of the presence of the defendant at a particular place or in particular area at a particular time he was not, or was not likely to have been, at the place where the offence is alleged to have been committed at the time of the alleged commission.”.

Amendment of section 147 of the principal enactment.

5. Section 147 of the principal enactment is hereby amended by the substitution for the words “two certified copies” of the words “three certified copies”.

6. Section 154 of the principal enactment is hereby amended as follows :—

Amendment of
154 of the
principal
enactment.

- (1) by the renumbering of that section as subsection (1) of that section:—
- (2) by the addition, immediately after the renumbered subsection (1) of the following new subsections :—

“(2) Upon the committal of the accused for trial before the High Court, the accused may state to Court that he is willing to plead guilty to a lesser offence if he is indicted in the High Court and the Magistrate shall record such statement :

Provided however, the fact that such a statement had been made shall in no way prevent the accused from proceeding to trial in the High Court :

Provided further, the fact that such a statement had been made shall in no way prejudice the accused at the trial.

(3) Where the accused, on indictment in the High Court states that he is willing to plead guilty to a lesser offence for which he might have been convicted on that indictment and the Court is willing to accept that plea, the judge shall in sentencing the accused, have regard to the fact that the accused had indicated in the Magistrate’s Court his willingness to plead guilty to the lesser offence.

(4) The fact that the accused has made a statement under subsection (2) shall not be read and construed as imposing any obligation on the Court or the Attorney-General to accept a plea of guilt made by the accused in the High Court to a lesser offence for which he might have been convicted on the indictment filed in that High Court.”.

Replacement of section 197 of the principal enactment.

7. Section 197 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Plea of guilty and sentencing.

197. (1) If the accused pleads guilty to—

- (a) the offence with which he is indicted; or
- (b) a lesser offence for which he could be convicted on that indictment and the Court and the Attorney- General are willing to accept that plea,

and it appears to the satisfaction of the Judge that he rightly comprehends the effect of his plea, the plea shall be recorded on the indictment and he may be convicted thereon :

Provided that when the offence so pleaded to is one of murder, the Judge may refuse to receive the plea and cause the trial to proceed in like manner as if the accused had pleaded not guilty.

(2) The Judge shall in sentencing the accused have regard to the fact that he so pleaded.”.

Replacement of section 205 of the principal enactment.

8. Section 205 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Section 197 to apply in dealing with plea of guilty and sentencing.

205. If the accused pleads guilty to the offence with which he is indicted or to a lesser offence for which he could be convicted on that indictment, the provisions of section 197 shall apply.”.

9. Section 263 of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the words “in his own recognizance or with sureties for his appearance.” of the words :—

Amendment of section 263 of the principal enactment.

“in his own recognizance or with sureties for his appearance :

Provided however that every trial in the High Court, with a jury or without a jury, shall as far as practicable, be held day to day.”.

10. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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