

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

**Part II of March 05, 2021**

**SUPPLEMENT**

*(Issued on 08.03.2021)*



**CODE OF CRIMINAL PROCEDURE  
(AMENDMENT)**

**A**

**BILL**

**to amend the Code of Criminal Procedure Act, No. 15 of 1979**

*Ordered to be published by the Minister of Justice*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause inserts new section 43b in the Code of Criminal Procedure Act, No. 15 of 1979 and the legal effect of the amendment is to confer a duty on the Magistrates to visit police stations within his judicial division to ensure that the suspects in the custody of such police stations are protected to the extent provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

*Code of Criminal Procedure (Amendment)*

L.D.—O. 62/2017

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

BE it 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. of 2021. Short title

5 2. The following new section is hereby inserted immediately after section 43A of the Code of Criminal Procedure Act, No. 15 of 1979 and shall have effect as section 43B of that Act:— Insertion of  
new section  
43B in Act,  
No. 15 of  
1979

10 “Duty of Magistrates to visit police stations” 43B. (1) It shall be the duty of every Magistrate to visit every police station situated within the judicial division in respect of which he is appointed, at least once in every month to ensure that the suspects under the police custody at such police stations are protected to the extent provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

15 (2) For the purpose of subsection (1), the Magistrate who visits the police station, shall-

20 (a) personally see the suspect, and look into his well-being, welfare and conditions under which he is kept at such police station; and

25 (b) record his observations and any complaint the suspect may make.

(3) Where the Magistrate is of the opinion, that the suspect may have been subjected to

2 *Code of Criminal Procedure (Amendment)*

5 torture, the Magistrate may direct that the suspect be produced before a judicial medical officer or a government medical officer for medical examination, and a report be submitted by such medical officer to the Magistrate.

10 (4) Where the report of such medical officer reveals that the suspect has been subjected to torture, the Magistrate shall make an appropriate order, including directions to provide necessary medical treatment to the suspect and to change the place of custody of such suspect.

15 (5) The Magistrate shall also direct the Inspector General of Police to commence an investigation into the alleged torture in order to enable the Attorney-General to institute criminal proceedings against the person who is alleged to have committed the torture.”.

20 **3.** 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

