

Where case is beyond jurisdiction duty to refer party to competent court.

7. (1) Where it appears in the course of any prosecution, civil action or proceeding before a Primary Court that such prosecution, action or proceeding is not within its jurisdiction, it shall be the duty of such Primary Court to stop the proceedings and to refer the party by whom the prosecution, action or proceeding was instituted to the competent court.

(2) Where a Primary Court stops the proceedings in any prosecution, civil action or proceeding and refers the party by whom the prosecution, civil action or proceeding was instituted to the competent court under subsection (1), that prosecution, civil action or proceeding shall not operate as a bar to the institution of a prosecution, civil action or proceeding in the competent court in respect of the same offence or matter.

PART II

POWERS OF PUNISHMENT

Sentences which a Primary Court may pass.

8. (1) A Primary Court may pass any of the following sentences-

- (a) imprisonment of either description for a term not exceeding three months;
- (b) fine not exceeding two hundred and fifty rupees;
- (c) whipping with a light cane if the offender is under sixteen years of age;
- (d) any lawful sentence combining any two of the sentences aforesaid.

(2) In the event of default of payment of any fine imposed on an accused the Judge of the Primary Court may subject to the provisions of this Part-

- (a) where the amount of the fine does not exceed twenty-five rupees sentence the accused to imprisonment of either description for a term not exceeding seven days;
- (b) where the amount of the fine exceeds twenty-five rupees but does not exceed fifty rupees sentence the accused to imprisonment of either description for a term not exceeding fourteen days;
- (c) where the amount of the fine exceeds fifty rupees sentence the accused to imprisonment of either description for a term not exceeding one month.

(3) Anything in this section shall not be construed as derogating from any special powers of punishment that may be given to a Primary Court by this or any other law.

9. Notwithstanding anything in this Act, the Penal Code or any other written law to the contrary, a Primary Court shall not sentence any person to imprisonment, whether in default of payment of a fine or not, for a term which is less than seven days.

sentence of imprisonment for term of less days.

10. A Primary Court may, in any circumstances in which it is empowered by any written or other law to sentence an offender to imprisonment, whether in default of payment of a fine or not, in lieu of imposing a sentence of imprisonment order that the offender be detained in the precincts of the court until such hour on the day on which the order is made, not being later than 4 p.m. as the court may specify in the order.

Sentences of detention in precincts of court in lieu of imprisonment.

11. (1) A Primary Court may award such term of imprisonment in default of payment of a fine as is authorized by law in case of such default, provided that the term awarded is not in excess of the court's power under this Act.

Power of Primary Court to sentence to imprisonment in default of payment of fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the court under section 8.

12. (1) A Primary Court may, in lieu of imposing a sentence of imprisonment on conviction of an accused person or in lieu of imposing a sentence of imprisonment on an accused person in default of payment of a fine, enter an order hereinafter referred to as a "community service order" directing the accused person to perform stipulated service at a named place in a State or State-sponsored project or public work.

Community service order.

(2) A community service order entered under subsection (1) shall be carried out in such manner as the Judge of that court may direct.

(3) The duration of a community service order shall not be more than three months.

(4) If the convicted person in respect of whom a community service order has been entered fails to attend at the place named or having attended fails to do the stipulated