

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

**CODE OF CRIMINAL PROCEDURE (AMENDMENT)**

**ACT, No. 2 OF 2022**

**[Certified on 17th of February, 2022]**

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[Certified on 17th of February, 2022]   
L.D.—O. 2/2018   
 AN ACTTOAMENDTHE CODEOF CRIMINAL PROCEDURE ACT, NO. 15 OF 1979   
BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

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| **1.** This Act may be cited as the Code of Criminal Procedure (Amendment) Act, No. 2 of 2022.  **2.**  Section 195 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the”principal enactment”) is hereby amended as follows:- | Short title  Amendment of section 195 of Act, No. 15 of 1979 |

(1) by the repeal of paragraph (*c*) thereof and the   
 substitution therefor of the following   
 paragraph:-  
 “(*c*) inform the accused and the aggrieved party   
 of the date of the pre-trial conference to be   
 held under section 195A;”;   
(2) by the repeal of paragraph (*ee*) thereof.

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| **3.** The principal enactment is hereby amended by the insertion immediately after section 195 thereof, of the following new section which shall have effect as section 195A of that enactment: - | Insertion of new section 195A in the principal  enactment |

“A-1- PRE-TRIAL CONFERENCES

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| Pre-trial  conferences to be held at the High  Court | 195A. (1) A pre-trial conference shall be held-  (*a*) upon indictment being served on the accused in terms of section 195, in the presence of the accused; or |

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(*b*) where the accused is not present due to   
any reason specified in paragraph (*a*)   
of subsection (1) of section 241, or   
where it is not possible to serve the   
indictment on the accused due to the   
reasons specified in paragraph (*b*) of   
subsection (1) of section 241, in the   
absence of the accused.

(2) A pre-trial conference shall be held with   
the participation of-

(*a*) the Attorney-General or an officer   
referred to in section 193 with regard   
to proceedings instituted by the   
Attorney-General or the Director-  
General for the Prevention of Bribery   
and Corruption or an officer of the   
Commission to Investigate Allegations   
of Bribery or Corruption authorized by   
such Commission or any other   
Attorney-at-Law specially authorised   
by such Commission with regard to   
proceedings instituted by such   
Director-General (hereinafter referred   
to as the “prosecuting counsel”) as the   
case may be;

(*b*) counsel, if any, appearing on behalf of   
 the accused;

(*c*) the aggrieved party or the counsel, if   
any, appearing on behalf of the   
aggrieved party, on the application of   
such aggrieved party or such counsel   
to participate in the pre-trial   
conference;

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(*d*) the officer in charge for the time being   
of the police station in which the   
investigation in respect of the offence   
has been conducted or an officer   
representing him; and

(*e*) an Attorney-at-Law or any other officer   
permitted by the Presiding Judge, with   
the consent of the parties to the case, to   
participate.

(3) A pre-trial conference shall be held for   
the purposes of-

(*a*) ascertaining whether the prosecution   
has handed over to the accused, all   
material, the accused is legally entitled   
to receive, and for the purpose of   
making appropriate orders, by Court in   
that regard;

(*b*) ascertaining whether the accused   
intends to plead guilty to any one or   
more of the charges in the indictment,   
or to a lesser offence;

(*c*) providing an opportunity to the   
accused to give advance notice of his   
mitigatory or exculpatory defence and   
that of an *alibi* as specified in section   
126A;

(*d*) inquiring, from the accused whether or   
not he elects to be tried by a jury or   
from the prosecuting counsel or the   
accused whether a special jury referred   
to in section 208 is required, if the   
indictment relates to an offence triable   
by a jury;

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(*e*) ascertaining whether reports of expert   
witnesses have been received by court   
and served on the accused, and if not   
making appropriate orders in that   
regard;

(*f*) recording admissions of the accused, if   
any, including the admissions relating   
to the reports of expert witnesses and   
the content of such reports, having   
regard to the provisions of section 420:

Provided however, no admissions   
suggested by the prosecution shall be   
recorded, if the accused is not   
represented by an Attorney-at-Law;

(*g*) ascertaining whether pre-conditions   
have been fulfilled to make certain   
items of evidence admissible and for   
making orders in that regard;

(*h*) ascertaining from prosecuting and   
defence counsel, the approximate   
duration of time that the respective   
parties may require for presentation of   
their respective cases including   
examination of witnesses in order to   
conduct a trial as specified in   
section 263;

(*i*) ascertaining whether the presentation   
of the cases of the prosecution and the   
defence, may require additional   
facilities which may not be ordinarily   
available in court and for making   
appropriate orders in that regard;

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(*j*) ascertaining the availability of   
productions, exhibits, any other real   
evidence, reports, books, records, or any   
other material, which may be required   
by the prosecution and the defence at   
the trial, and for making necessary   
orders in that regard;

(*k*) ascertaining whether the evidence of   
one or more witnesses is to be led   
through contemporaneous audio-  
visual linkage, and if so, for making   
appropriate orders and arrangements in   
that regard;

(*l*) fixing a date as expeditiously as   
possible for the commencement of a   
trial as specified in section 263;

(*m*) considering and making orders relating   
to any other matter that may be required   
to be attended to, prior to the   
commencement of the trial and that may   
facilitate the conduct of the trial; and

(*n*) taking any other decisions or steps as   
may be necessary to ensure the conduct   
of a lawful, fair and expeditious trial.

(4) A pre-trial conference shall be presided   
over by the High Court Judge or the Recorder-  
Judge as specified in section 5C of the   
Judicature Act, No. 2 of 1978.

(5) Every endeavor shall be made to   
conclude a pre-trial conference as   
expeditiously as possible:

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Provided however, a pre-trial conference   
shall be concluded within a period not   
exceeding three months from the date on which   
the accused appeared before the court or was   
required to appear before the court.

(6) A pre-trial conference relating to a trial   
at bar shall be held, only before the three judges   
appointed to hear the relevant case.

(7) At the conclusion of a pre-trial   
conference the Presiding judge shall-

(*a*) read out and explain the decisions taken   
at the pre-trial conference and record the   
fact that the parties do understand the   
contents of such decisions which   
decisions shall be signed by the Judge; and

(*b*) require the officer referred to in   
paragraph (*d*) of subsection (2) to   
submit a report on the availability of   
the witnesses.

(8) For the purpose of this section-

“aggrieved party” means, a person who   
has suffered any injury, harm,   
impairment or disability whether   
physical, mental or emotional or   
any loss economical or otherwise,   
as a result of the commission of   
an offence, and if the aggrieved   
party is a child, the parent or   
guardian of such child and if such   
aggrieved party be dead, include   
his next of kin namely his   
surviving spouse, children,   
parents, brothers, sisters or further   
descendants;

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“child” means, a person under   
 eighteen years of age.”.

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| **4.**  Section 208 of the principal enactment is hereby amended by the repeal of subsection (1) thereof and the substitution therefor of the following:– | Amendment of section 208 of the principal  enactment |

“(1) (*a*) The prosecuting counsel or the   
accused may apply to the High Court at the pre-  
trial conference for an order requiring a special jury   
to be summoned to try the case and the judge   
presiding over the pre-trial conference shall record   
such application;

(*b*) At the commencement of the trial, the trial   
Judge shall consider such application and where   
he considers that the application is just and   
reasonable make order accordingly.

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| **5.**  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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