

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

**CODE OF CRIMINAL PROCEDURE (AMENDMENT)**

**ACT, No. 25 OF 2024**

**[Certified on 03rd of May, 2024]**

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| *Code of Criminal Procedure (Amendment)* | 1 |

*Act, No. 25 of 2024*

[Certified on 03rd of May, 2024]

L. D.- O 29/2022

AN ACTTOAMENDTHE CODEOF CRIMINAL PROCEDURE   
ACT, NO. 15 OF 1979

BEit 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 Short title Procedure (Amendment) Act, No. 25 of 2024.

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| **2.** Section 185 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the“principal enactment”) is hereby amended as follows: - | | Amendment of section 185 of Act, No. 15 of 1979 |
| (1) | by the renumbering of that section as |

subsection (1) of that section; and

(2) by the addition immediately after the renumbered   
 subsection (1), of the following new subsections: -

“(2) At the time of passing the sentence, the   
Magistrate may, after considering all relevant facts   
take into cognizance the time spent by such   
accused in custody prior to the conviction of the   
offence he is convicted of, and in such cases the   
time so spent in custody shall be considered to   
be part of his sentence:

Provided that, where the time spent by such   
accused in custody is not considered to be part of   
his sentence, the Magistrate shall record reasons   
therefor:

Provided further, the time so spent in custody   
by the accused prior to the conviction shall not

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be taken into consideration where a mandatory   
minimum sentence is stipulated by law in respect   
the offence the accused is charged with.

(3) For the purpose of this section, “custody”  
means the time spent in remand custody.”.

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| Amendment of section 203 of the principal | **3.** Section 203 of the principal enactment is hereby amended as follows: - |

enactment   
 (1) by the renumbering of that section as subsection (1) of that section; and

(2) by the addition immediately after the renumbered   
subsection (1), of the following new subsections:-

“(2) At the time of passing the sentence, the   
Judge may, after considering all relevant facts   
take into cognizance the time spent by such   
accused in custody prior to the conviction of the   
offence he is convicted of, and in such cases the   
time so spent in custody, shall be considered to   
be part of his sentence:

Provided that, where the time spent by such   
accused in custody is not considered to be part of   
his sentence, the Judge shall record reasons   
therefor:

Provided further, the time so spent in custody   
by the accused prior to the conviction shall not   
be taken into consideration where a mandatory   
minimum sentence is stipulated by law in respect   
of the offence the accused is charged with.

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(3) For the purpose of this section, “custody”  
means the time spent in remand custody.”.

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| **4.** The following new section is hereby inserted immediately after section 238 of the principal enactment and shall have effect as section 238A of that enactment: - | | Insertion of new section 238A in the principal  enactment |
| “Passing the | 238A. (1) At the time of passing the sentence, |
| sentence | the Judge may, after considering all relevant |

facts take into cognizance the time spent by   
such accused in custody prior to the conviction   
of the offence he is convicted of, and in such   
cases the time so spent in custody, shall be   
considered to be part of his sentence:

Provided that, where the time spent by such   
accused in custody is not considered to be part   
of his sentence, the Judge shall record reasons   
therefor:

Provided further, the time so spent in   
custody by the accused prior to the conviction   
shall not be taken into consideration where a   
mandatory minimum sentence is stipulated by   
law in respect of the offence the accused is   
charged with.

(2) For the purpose of this section,  
“custody” means the time spent in remand   
custody.”.

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| **5.** Section 323 of the principal enactment is hereby amended in subsection (5) thereof, by the substitution for the words “the time so spent”, of the words “the time spent”. | Amendment of section 323 of the principal  enactment |

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| Amendment of  section 333 of the principal  enactment | **6.** Section 333 of the principal enactment is hereby amended in subsection (5) thereof, by the substitution for the words “received into prison under the sentence.”, of the following:- |

“received into prison under the sentence:

Provided that, the Court of Appeal may, in   
appropriate cases, order that the time spent by an   
appellant in custody pending the determination of his   
appeal and any time spent in custody prior to the   
conviction, such time not having been considered as   
part of his sentence passed at the time of his conviction   
by the court of first instance, be considered as part of   
his sentence ordered at the conclusion of his appeal.”.

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| Sinhala text to  prevail in case  of inconsistency | **7.** In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail. |

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