

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

**CODE OF CRIMINAL PROCEDURE (AMENDMENT)**

**ACT, No. 50 OF 2024**

**[Certified on 13th of September, 2024]**

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

*Act, No. 50 of 2024*

[Certified on 13th of September, 2024]

L. D.- O 24/2023

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: -

**1.** This Act may be cited as the Code of Criminal Short title

Procedure (Amendment) Act, No. 50 of 2024.

|  |  |
| --- | --- |
| **2.** Section 183 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 the marginal note to that section and the substitution therefor of the | Amendment of section 183 of Act, No. 15 of 1979 |

following: -

“Plea of   
guilty and   
sentencing   
without   
written plea   
agreement”.

|  |  |  |
| --- | --- | --- |
| **3.** The following new section is hereby inserted immediately after section 183 of the principal enactment and shall have effect as section 183A of the principal enactment: - | | Insertion of new section 183A in the principal  enactment |
| “Plea of  guilty and  sentencing  with written | **183A.** (1) A plea agreement may be entered into between the prosecutor and an accused who is charged in the Magistrate’s Court at |
| plea  agreement | any time before the sentence is passed, subject to the procedure specified in this section. |

(2) Where the parties to a case intend to   
negotiate a plea agreement under this section,   
the court shall be informed of the same:

2—PL 014724— 1,977 (07/2024)

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Provided that, the court shall not participate   
in the negotiations for such plea agreement.

(3) The prosecutor, the Attorney-at-Law for   
the accused, or the accused, may initiate the   
offer to enter into a plea agreement:

Provided that, the prosecutor shall maintain   
the sole discretion on whether or not to enter   
into a plea agreement with the accused.

(4) If the accused is charged with an offence   
under the Schedule to the Prevention of Crimes   
Ordinance (Chapter 22), the Magistrate shall   
cause the accused to be fingerprinted and call   
for a fingerprint report.

(5) Negotiations for a plea agreement shall   
be conducted between the prosecutor and the   
Attorney-at-Law representing the accused:

Provided that, where an accused who   
intends to enter into a plea agreement is not   
represented by an Attorney-at-Law, the court   
shall, assign an Attorney-at-Law to negotiate   
on behalf of the accused if the accused on being   
asked by the court, so requests.

(6) As part of the plea negotiation process,   
the prosecutor may meet with the Attorney-at-  
Law for the accused, to ascertain to the   
satisfaction of the prosecution, a complete   
description of the criminal conduct engaged   
in by the accused, and the details of criminal   
conduct engaged in by others, which the   
accused may provide as cooperation during   
the negotiation.

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(7) During the plea negotiations, the   
prosecutor shall-

(*a*) consider the nature and the   
 circumstances relating to the case,   
 the impact of the commission of the   
 offence on the victim, the personal   
 circumstances of the accused, the   
 interests of the public, and the value   
 of any information provided by the   
 accused including any cooperation   
 provided by the accused as part of   
 the negotiation;

(*b*) not use the information obtained   
 from an accused during the course   
 of plea negotiations against him   
 during the prosecution of the case if   
 the plea negotiations are ultimately   
 unsuccessful; and

(*c*) afford-

(i) the victim;

(ii) the Attorney-at-Law of the   
 victim; or

(iii) the National Authority for the   
 Protection of Victims of   
 Crimes and Witnesses   
 established under   
the Assistance to and Protection   
 of Victims of Crime and   
 Witnesses Act, No. 10 of 2023,

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a reasonable opportunity to make a   
written representation to the   
prosecution regarding the impact of   
the crime, unless the circumstances   
prevent such representation.

(8) (*a*) A prosecutor and the accused or the   
Attorney-at-Law for the accused, may each   
make a specific recommendation to the court   
as to the sentence to be imposed and include   
the recommendation in writing in the final plea   
agreement.

(*b*) Notwithstanding the recommendation of   
the parties, the court shall retain the sole   
discretion in sentencing and discretion to   
indicate the sentence that may be imposed.

(*c*) Where the prosecutor recommends to the   
court the imposition of a sentence that is more   
severe than the recommendation included in   
the plea agreement, the accused may withdraw   
the plea of guilty and set aside the plea   
agreement.

(*d*) Where the accused recommends to the   
court the imposition of a sentence that is less   
severe than the recommendation in the plea   
agreement, the accused shall not be permitted   
to withdraw his plea of guilty on that ground   
alone.

(*e*) Where the accused recommends to the   
court the imposition of a sentence that is less   
severe than the recommendation in the plea   
agreement, the prosecutor may recommend to   
the court any other appropriate sentence.

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(9) (*a*) The prosecutor shall present the court   
with the factual basis of the plea set out in the   
plea agreement between the prosecutor and the   
accused by presenting the court with the final   
plea agreement at the hearing, where the   
accused pleads guilty in accordance with the   
terms of the plea agreement. The factual basis   
will be included in writing as part of the   
completed plea agreement.

(*b*) The plea agreement submitted to the   
court shall be in the format specified in Form   
23 in the Second Schedule.

(*c*) Where the accused is a child, the plea   
agreement shall be signed by the child’s parent   
or guardian.

(*d*) A plea agreement shall be finalized when   
the accused signs the agreement.

(10) Upon being satisfied that the accused   
signed the plea agreement knowingly and   
voluntarily, the court may accept the plea   
agreement.

(11) Where the court accepts a plea   
agreement, the agreement shall become binding   
upon the parties and the court shall proceed to   
convict the accused accordingly.

(12) An appeal shall not lie from a conviction   
imposed after the court has accepted the plea   
agreement and convicted the accused under   
subsection (11).

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(13) An appeal shall not lie from a sentence   
imposed by the court which falls within the   
range of punishment recommended by the   
parties in the plea agreement.

(14) Where the court rejects a plea   
agreement–

(*a*) the reasons for such rejection shall   
 be recorded and the parties shall be   
 informed thereof; and

(*b*) the plea agreement shall become   
 null and void and the parties shall   
 not be bound by such agreement.

(15) Upon rejection, or withdrawal, of a   
plea agreement, fresh plea negotiations in a   
trial relating to the same facts may be   
considered with prior permission of the court.

(16) Where the court has rejected a plea   
agreement under this section, no party shall   
appeal against, or apply for a review of, the   
order of the court rejecting the agreement.

(17) For the purposes of this section –

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

“prosecutor” shall have the same   
meaning assigned to such   
expression in subsection (1) of   
section 191 of this Code and   
includes the Director-General of   
the Commission to Investigate   
Allegations of Bribery or   
Corruption established under the

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Anti-Corruption Act, No. 9 of

2023, an officer of such

Commission authorized by the

Commission or any other

Attorney-at-Law specially

authorized by such Commission

to conduct the prosecution at a

trial of an offence held in the

Magistrate’s Court on a charge

sheet.”.

|  |  |
| --- | --- |
| **4.** Section 195A of the principal enactment is hereby amended in paragraph (*b*) of subsection (3) thereof, by the substitution for the words “to a lesser offence;”, of the words and figures “to a lesser offence or whether he intends to | Amendment of section 195A of the principal  enactment |

negotiate for a plea agreement under section 197A;”.

|  |  |
| --- | --- |
| **5.** Section 197 of the principal enactment is hereby amended by the repeal of the marginal note to that section and the substitution therefor of the following: - | Amendment of section 197 of the principal  enactment |

“Plea of   
guilty and   
sentencing   
without   
written plea   
agreement”.

|  |  |  |
| --- | --- | --- |
| **6.** The following new section is hereby inserted immediately after section 197 of the principal enactment and shall have effect as section 197A of that enactment: - | | Insertion of new section 197A in the principal  enactment |
| “Plea of | **197A.** (1) A plea agreement may be entered |
| guilty and  sentencing  with written | into between the prosecutor and an accused who is indicted in the High Court, at any time |
| plea  agreement | before the sentence is passed, subject to the procedure specified in this section. |

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(2) Where the parties to a case intend to   
negotiate a plea agreement under this section,   
the court shall be informed of the same:

Provided that, the court shall not participate   
in the negotiations for such plea agreement.

(3) The prosecutor, the Attorney-at-Law for   
the accused, or the accused, may initiate the   
offer to enter into a plea agreement:

Provided that, the prosecutor shall maintain   
the sole discretion on whether or not to enter   
into a plea agreement with the accused person.

(4) If the accused is indicted in the High   
Court, the court shall cause the accused to be   
fingerprinted and call for a fingerprint report   
pursuant to the provisions of paragraph (*e*) of   
section 195.

(5) Negotiations for a plea agreement shall   
be conducted between the prosecutor and the   
Attorney-at-Law representing the accused:

Provided that, where an accused who   
intends to enter into a plea agreement is not   
represented by an Attorney-at-Law, the court   
shall, assign an Attorney-at-Law to negotiate   
on behalf of the accused if the accused on being   
asked, so requests.

(6) As part of the plea negotiation process,   
the prosecutor may meet with the Attorney-at-  
Law for the accused to ascertain to the   
satisfaction of the prosecution, a complete   
description of the criminal conduct engaged

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in by the accused, and the details of criminal   
conduct engaged in by others, which the   
accused may provide as cooperation during   
the negotiation.

(7) During the plea negotiations with the   
Attorney-at-Law representing the accused, the   
prosecutor shall-

(*a*) consider the nature and the   
 circumstances relating to the case,   
 the impact of the commission of the   
 offence on the victim, the personal   
 circumstances of the accused, and   
 the interests of the public, and the   
 value of any information provided   
 by the accused, including any   
 cooperation provided by the   
 accused as part of the negotiation;

(*b*) not use the information obtained   
 from an accused during the course   
 of plea negotiations against him   
 during the prosecution of the case if   
 the plea negotiations are ultimately   
 unsuccessful; and

(*c*) afford-

(i) the victim;

(ii) the victim’s Attorney-at-Law;   
or

(iii) the National Authority for the   
Protection of Victims of

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Crimes and Witnesses   
established under the   
Assistance to and Protection   
of Victims of Crime and   
Witnesses Act, No. 10 of 2023,

a reasonable opportunity to make a   
written representation to the   
prosecution regarding the impact of   
the crime, unless the circumstances   
prevent such representation.

(8) (*a*) A prosecutor and the accused or the   
Attorney-at-Law for the accused, may each   
make a specific recommendation to the court   
as to the sentence to be imposed and include   
the recommendation in writing in the final plea   
agreement.

(*b*) Notwithstanding the recommendation of   
the parties, the court shall retain the sole   
discretion in sentencing and discretion to   
indicate the sentence that may be imposed.

(*c*) Where the prosecutor recommends to the   
court the imposition of a sentence that is more   
severe than the recommendation included in   
the plea agreement, the accused may withdraw   
the plea of guilty and set aside the plea   
agreement.

(*d*) Where an accused has withdrawn the plea   
under paragraph (*c*), the Judge shall proceed to   
trial as if a conviction has not been entered.

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(*e*) Where the accused recommends to the   
court the imposition of a sentence that is less   
severe than the recommendation in the plea   
agreement the accused shall not be permitted   
to withdraw the plea of guilty on the ground   
alone.

(*f*) Where the accused person recommends   
to the court the imposition of a sentence that is   
less severe than the recommendation in the plea   
agreement, the prosecutor may recommend to   
the court any other appropriate sentence.

(9) (*a*)) The prosecutor shall present the   
court with the factual basis of the plea set out   
in the plea agreement by presenting the court   
with the final plea agreement at the hearing,   
where the accused pleads guilty in accordance   
with the terms of the plea agreement. The factual   
basis shall be included in writing as part of the   
completed plea agreement.

(*b*) The plea agreement submitted to the   
court shall be in the format specified in Form   
23 in the Second Schedule.

(*c*) Where the accused is a child, the plea   
agreement shall be signed by the child’s parent   
or guardian.

(*d*) A plea agreement shall be finalized when   
the accused signs the agreement.

(10) Upon being satisfied that the accused   
signed the plea agreement knowingly and   
voluntarily, the court may accept the plea   
agreement.

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(11) Where the court accepts a plea   
agreement, the agreement shall become   
binding upon the parties and the court shall   
proceed to convict the accused accordingly.

(12) An appeal shall not lie from a   
conviction imposed after the court has   
accepted the plea agreement and convicted   
the accused under subsection (11).

(13) An appeal shall not lie from a sentence   
imposed by the court which falls within the   
range of punishment recommended by the   
parties in the plea agreement.

(14) Where the court rejects a plea   
agreement–

(*a*) the reasons for such rejection shall   
 be recorded and the parties shall be   
 informed thereof; and

(*b*) the plea agreement shall become   
 null and void and the parties shall   
 not be bound by such agreement.

(15) Upon rejection, or withdrawal, of a   
plea agreement, fresh plea negotiations in a   
trial relating to the same charge and facts may   
be considered.

(16) Where the court has rejected a plea   
agreement under this section, no party shall   
appeal against, or apply for a review of, the   
order of the court rejecting the agreement.

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(17) For the purposes of this section –

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

“prosecutor” shall have the same   
 meaning assigned to such   
 expression in section 193 of this   
 Code and includes the Director-  
 General of the Commission to   
 Investigate Allegations of   
 Bribery or Corruption established   
 under the Anti-Corruption Act,   
 No. 9 of 2023, an officer of such   
 Commission authorized by the   
 Commission or any other   
 Attorney-at-Law specially   
 authorized by such Commission   
 to conduct the prosecution at a   
 trial of an offence held in the High   
 Court on an indictment signed by   
 the Director-General of such

Commission.”.

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| **7.** The Second Schedule to the principal enactment is hereby amended by the insertion immediately after Form 22 thereof, of the following new Form and shall have effect as Form 23 of that Schedule: - | Amendment of the Second  Schedule to the principal  enactment |

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*Act, No. 50 of 2024*  
“No. 23

(sections 183A and 197A)

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

IN THE COURT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME OF THE ACCUSED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PLEA AGREEMENT**

Pursuant tosection 183A/197A of the Code of Criminal Procedure

Act, No. 15 of 1979, the Accused, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_agrees

as follows:–

|  |
| --- |
| 1. The Accused enters into this Plea Agreement and pleads guilty freely, voluntarily, without threat, force, intimidation, or coercion of any kind and without promise or benefit of any kind, other than as contained herein. |
| 2. The Accused knowingly, voluntarily and truthfully admits  the facts contained herein. |
| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | 3. | The | Accused | pleads | guilty | to | the | offence | of |   **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** punishable under  **\_\_\_\_\_\_\_\_** |
| 4. The Accused understands every element of the offence to which the Accused is pleading guilty, and that the maximum penalty for that offense is **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

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| 5. Upon acceptance by the Court, and fulfillment by the Accused of all terms and conditions of the Plea Agreement, the Prosecution agrees that the Accused will face no other charges from the investigation which led to the present indictment. |
| 6. The Accused has been advised by his/her legal representative and the Court, of his/her Constitutional rights, including the right to trial, the right to examine and cross-examine witnesses, and the Accused being well informed, has knowingly and voluntarily waived these rights, including the right to appeal, and agrees to enter a plea of guilty as set forth in this Plea Agreement. |
| 7. The Accused understands that the sentence to be imposed  upon conviction on his/her plea of guilty is within the sole  discretion of the Court. At sentencing, the Prosecutor will  recommend \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  At sentencing, the Accused will recommend  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |
| 8. The Accused understands and agrees no promises, agreements and conditions have been entered into regarding the charges herein other than those expressly set out in this Plea Agreement and none shall be entered into, or shall be binding upon the Accused and the Prosecution, unless expressly set forth herein, in writing. |
| I plead guilty to the offences covered by this Plea Agreement, and every element set out in the Plea Agreement, which has been explained to me in a language I understand. I do this knowingly, freely and voluntarily, and without any threat, force, intimidation, or coercion of any kind.  Accused: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”. |

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| Sinhala text to  prevail in case  of inconsistency | **8.** 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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