

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

*————————*

**CODE OF CRIMINAL PROCEDURE**   
**(AMENDMENT)**

**A**

**BILL**

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

*——————*

*Presented by the Minister of Justice and Prison Reforms on 11th of July, 2019*

(Published in the Gazette on June 17, 2019)

*Ordered by Parliament to be printed*

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**[Bill No. 286]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2:* This clause amends the Code of Criminal Procedure Act, No. 15 of 1979 by inserting section 144A in that Act and the legal effect of the amendment is to make provisions to empower the Magistrate to dispense personal attendance of a suspect or accused in court under the circumstances specified in that section.

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

L. D.- O. 5/2018

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 | Short title. |

Procedure (Amendment) Act, No. of 2019.

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| 5 | **2.** | The following new section is hereby inserted | | Insertion of |
| immediately after section 144 of the Code of Criminal | | | new section |
| 144A in the |
| Procedure Act, No.15 of 1979 and shall have effect as section | | |
| Act, No. 15 |
| 144A of that Act:- | | |
| of 1979. |
| 10 |
| “Personal | | 144A. (1) The Magistrate may, at his |
| attendance of the suspect or accused may  be dispensed | | discretion, dispense with the personal attendance of a suspect or accused in court, in respect of whom criminal proceedings have |
| 15 | with, under | | been instituted before such Magistrate, for |
| special  circumstances. | | extending the period of detention or for any other purpose, at the end of each detention |

period, or on each trial date.

(2) The personal attendance of the suspect   
or accused may be so dispensed with, on an   
application made by the relevant person, as

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| 20 | specified in subsection (3), if the Magistrate is satisfied that the personal attendance of such |

suspect or accused in court may be dispensed   
with, on any one or more of the grounds   
specified in subsection (4).

25 (3) An application under subsection (2), in respect of a suspect or accused, shall be made by –

(*a*) the Attorney General; or

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(*b*) the suspect or accused himself, or   
 his Attorney- at- Law, as the case   
 may be; or

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| 5 | (*c*) | the officer in charge of the relevant |
| (*d*) | police station; or |
| the Superintendent of the prison |

wherein the suspect or accused is   
detained.

(4) The Magistrate may dispense with the 10 personal attendance of the suspect or accused under subsection (1), on the following grounds:-

(*a*) where there is a threat or an   
 apprehension of serious harm to the

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| 15 | (*b*) | life of the suspect or accused; |
| where public reaction to the offence |

alleged to have been committed by   
the suspect or accused is likely to   
give rise to a breach of the peace;

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| 20 | (*c*) | where there is a likelihood of the |

suspect or accused escaping from   
detention or being involuntarily   
removed from detention; or

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| 25 | (*d*) | where there is a likelihood of the |
| suspect or accused obstructing the |

proceedings of court.

(5) Where a Magistrate dispenses with the personal attendance of a suspect or an accused in court, under subsection (1), the reasons for 30 the same shall be recorded in writing and such suspect or accused shall be permitted-

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(*a*) to be represented in court by an   
 Attorney- at- Law; and

(*b*) to make his representation through   
 contemporaneous audio-visual

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| 5 | linkage, where such facilities are available. |

(6) Where the place of detention of such suspect or accused is within the judicial division of the Magistrate who dispensed with 10 the personal attendance of such suspect or accused in court, such Magistrate shall visit such place of detention not later than forty eight hours of calling the case, and shall look into the well-being of the suspect or accused so 15 detained.

(7) Where the place of detention of the suspect or accused is situated outside the judicial division of the Magistrate who dispensed with the personal attendance of such 20 suspect or accused in court, it shall be the duty of such Magistrate to forthwith communicate, in the prescribed Form, with the Magistrate having jurisdiction over the relevant judicial division and request him to visit the place of

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| 25 | detention of the suspect or accused, for the purpose referred to in subsection (6). |

(8) Where the Magistrate within whose judicial division the place of detention of the suspect or accused is situated, is unable to visit 30 the place of detention, it shall be the duty of such Magistrate to forthwith communicate, in the prescribed Form, with any other Magistrate and request him to visit the place of detention of the suspect or accused for the purpose 35 referred to in subsection (6).

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(9) Any Magistrate who has been   
communicated with, under subsection (7) or   
(8) shall visit the place of detention of the

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| 5 | suspect or accused not later than forty eight hours of the receipt of the Form calling on him, |

to visit such place, and report back to the   
Magistrate who dispensed with the personal   
attendance of the suspect or accused, of such   
visit in the Form prescribed in that behalf.

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| 10 | (10) It shall be the duty of the Superintendent of a prison to produce any such |

suspect or accused so detained, before the Magistrate who visits the prison in terms of the provisions of subsection (6), (7) or (8) and to 15 provide such Magistrate with the facilities required by him.”.

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| **3.** | In the event of any inconsistency between the Sinhala | Sinhala text to prevail in case of |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

inconsistency.

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| *Code of Criminal Procedure (Amendment)* | 5 |

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