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

**Part II of March 05, 2021**

**SUPPLEMENT**

*(Issued on 08.03.2021)*



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

**A**

**BILL**

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

*Ordered to be published by the Minister of Justice*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause inserts new section 43B in the Code of Criminal Procedure Act, No. 15 of 1979 and the legal effect of the amendment is to confer a duty on the Magistrates to visit police stations within his judicial division to ensure that the suspects in the custody of such police stations are protected to the extent provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

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

L.D.—O. 62/2017

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 2021.

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| --- | --- | --- | --- | --- |
| 5 | **2.** | The following new section is hereby inserted | | Insertion of |
| 10 | immediately after section 43A of the Code of Criminal | | | new section |
| 43B in Act, |
| Procedure Act, No. 15 of 1979 and shall have effect as | | |
| No. 15 of |
| section 43B of that Act:— | | |
| 1979 |
| “Duty of  Magistrates to visit police  stations | | 43B. (1) It shall be the duty of every Magistrate to visit every police station situated within the judicial division in respect of which he is appointed, at least once in every month to |

ensure that the suspects under the police custody   
at such police stations are protected to the extent

|  |  |
| --- | --- |
| 15 | provided for in the Convention Against Torture and other Cruel, Inhuman or Degrading |

Treatment or Punishment Act, No. 22 of 1994.

(2) For the purpose of subsection (1), the   
Magistrate who visits the police station, shall-

|  |  |
| --- | --- |
| 20 | (*a*) personally see the suspect, and look into his well-being, welfare and conditions |

under which he is kept at such police   
station; and

(*b*) record his observations and any

25 complaint the suspect may make.

(3) Where the Magistrate is of the opinion,   
that the suspect may have been subjected to

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torture, the Magistrate may direct that the   
suspect be produced before a judicial medical   
officer or a government medical officer for   
medical examination, and a report be submitted

5 by such medical officer to the Magistrate.

(4) Where the report of such medical officer   
reveals that the suspect has been subjected to   
torture, the Magistrate shall make an

|  |  |
| --- | --- |
| 10 | appropriate order, including directions to provide necessary medical treatment to the |

suspect and to change the place of custody of   
such suspect.

(5) The Magistrate shall also direct the   
Inspector General of Police to commence an

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| 15 | investigation into the alleged torture in order to enable the Attorney-General to institute |

criminal proceedings against the person who is   
alleged to have committed the torture.”.

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| 20 | **3.** | In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | to prevail in |
| case of |
| inconsistency |

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