

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

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

**A**

**BILL**

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

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*Presented by the Minister of Justice on 21st of September, 2021*

(Published in the Gazette on July 20, 2021)

*Ordered by Parliament to be printed*

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**[Bill No. 71]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 195 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the principal enactment) and is consequential to the amendment made by clause 3.

*Clause 3* : This clause amends the principal enactment by inserting new section 195A in that enactment, and the legal effect of the amendment is to make provision to hold pre-trial conferences at the High Court in order to conclude trials expeditiously.

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

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:-

**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.** | Section 195 of the Code of Criminal Procedure Act, | Amendment |
| No. 15 of 1979 (hereinafter referred to as the”principal | | of section |
| 195 of Act, |
| enactment”) is hereby amended as follows:- | |
| No. 15 of |

1979 (1) by the substitution for paragraph (*c*) thereof of the following paragraph: -

10 “(*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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| 15 | **3.** The principal enactment is hereby amended by the | Insertion of |
| insertion immediately after section 195 thereof, of the | new section |
| 195A in the |
| following new section which shall have effect as section |
| principal |
| 195A of that enactment: - | enactment |

“A-1- PRE-TRIAL CONFERENCES

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| 20 | Pre-trial | 195A. (1) A pre-trial conference shall be |
| conferences | held- |
| to be held at |
| the High | (*a*) upon indictment being served on the |
| Court |

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 5 indictment on the accused due to the reasons specified in paragraph (*b*) of subsection (1) of section 241, in the absence of the accused.

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| 10 | (2) A pre-trial conference shall be held with the participation of- |

(*a*) the Attorney-General with regard to proceedings instituted by the Attorney- General or the Director-General for the Prevention of Bribery and Corruption 15 with regard to proceedings instituted by such Director-General, or an officer authorized by either the Attorney- General or the Director-General (hereinafter referred to as the 20 “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 25 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;

30 (*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

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(*e*) an Attorney-at-Law or any other officer   
permitted by the Presiding Judge to   
participate.

(3) A pre-trial conference shall be held for 5 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 10 making appropriate orders, by Court in that regard;

(*b*) ascertaining whether the accused   
intends to plead guilty to any one or

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| 15 | 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*;

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| 20 | (*d*) inquiring from the accused whether or not he elects to be tried by a jury, if the |

indictment relates to an offence triable   
by a jury;

(*e*) ascertaining whether reports of expert 25 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

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| 30 | 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;

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

5 (*h*) ascertaining from prosecuting and defence counsel, the approximate duration of time that the respective parties may require for presentation of

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| 10 | their respective cases including examination of witnesses in order to |

conduct a day to day trial as specified   
in section 263;

(*i*) ascertaining whether the presentation   
of the cases of the prosecution and the

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| 15 | defence, may require additional facilities which may not be ordinarily |

available in court and for making   
appropriate orders in that regard;

(*j*) ascertaining the availability of 20 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 25 orders in that regard;

(*k*) ascertaining whether the evidence of   
one or more witnesses is to be led   
through contemporaneous audio-

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| 30 | 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 day to day trial as specified in section 35 263;

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(*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

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| 5 | facilitate the conduct of the day to day trial; and |

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

10 (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 15 conclude a pre-trial conference as expeditiously as possible:

Provided however, a pre-trial conference shall be concluded within a period not exceeding three months from the date on which 20 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.

25 (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

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| 30 | the contents of such decisions which decisions shall be signed by the Judge; |

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

5 (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

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| 10 | 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 15 aggrieved party be dead, include his next of kin namely his surviving spouse, children, parents, brothers, sisters or further descendants;

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

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| **4.** | In the event of any inconsistency between the Sinhala | Sinhala text  to prevail in case of  inconsistency |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

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