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SRI LANKA**

**Part II of June 14, 2019**

**SUPPLEMENT**

*(Issued on 17.06.2019)*



**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 and Prison Reforms*

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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.

*Code of Criminal Procedure (Amendment)*

L. D.- O. 5/2018

AN ACT TO AMEND THE CODE OF 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 Procedure (Amendment) Act, No.    of 2019. Short title.

5    2. The following new section is hereby inserted immediately after section 144 of the Code of Criminal Procedure Act, No.15 of 1979 and shall have effect as section 144A of that Act:- Insertion of new section 144A in the Act, No. 15 of 1979.

10    “Personal attendance of the suspect or accused may be dispensed with, under special circumstances. 144A. (1) The Magistrate may, at his discretion, dispense with the personal attendance of a suspect or accused in court, in respect of whom criminal proceedings have been instituted before such Magistrate, for extending the period of detention or for any other purpose, at the end of each detention period, or on each trial date.

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

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

5        (c) the officer in charge of the relevant police station; or

(d) the Superintendent of the prison wherein the suspect or accused is detained.

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

15        (a) where there is a threat or an apprehension of serious harm to the life of the suspect or accused;

(b) 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;

20        (c) where there is a likelihood of the suspect or accused escaping from detention or being involuntarily removed from detention; or

25        (d) where there is a likelihood of the suspect or accused obstructing the proceedings of court.

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

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

5 (b) to make his representation through contemporaneous audio-visual linkage, where such facilities are available.

10 (6) Where the place of detention of such suspect or accused is within the judicial division of the Magistrate who dispensed with 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 detained.

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

30 (8) Where the Magistrate within whose judicial division the place of detention of the suspect or accused is situated, is unable to visit 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 referred to in subsection (6).

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

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.”.

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

Sinhala text  
to prevail in  
case of  
inconsistency.

