



Ceylon Government Gazette

EXTRAORDINARY.

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Part II.—Legal and Judicial.

Separate paging is given to each Part in order that it may be filed separately.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to amend "The Criminal Procedure Code, 1898."

WHEREAS it is expedient to amend "The Criminal Procedure Code, 1898": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 This Ordinance may be cited as "The Criminal Procedure Code (Amendment) Ordinance, No. of 1915."

2 The following section shall be added to the Criminal Procedure Code, 1898—

440A (1) In the following cases, that is to say, (a) in the case of any offence under section 120 of the Penal Code (hereinafter referred to as "sedition"), (b) in the case of any other offence which by reason of civil commotion, disturbance of public feeling, or any other similar cause, the Governor may consider to be appropriately triable in the manner in this section provided,

the Governor may, by warrant under his hand, direct that the person charged shall be tried at Bar without a jury by three Judges of the Supreme Court.

(2) A trial under this section may be held either upon indictment or upon information exhibited by the Attorney-General, and the limitations of section 385 shall not apply to an information so exhibited

(3) A trial under this section shall proceed as nearly as possible in the manner provided for trials before the Supreme Court, subject to such modifications as may be ordered by the Court or as may be prescribed by Rules under this Code.

(4) A person directed to be tried under this section shall not be admitted to bail without the consent of the Attorney-General.

(5) In any trial for sedition under this section, notwithstanding anything contained in the Penal Code, and notwithstanding that the offence was committed before the enactment of this section, the Court may impose any sentence which might be imposed under the law for the time being in force in England :

Provided that in the case of any offence committed before the enactment of this section no sentence shall be imposed upon the person convicted which might not have been passed upon him if this section had not been enacted, whether under the Penal Code or otherwise.

By His Excellency's command,
Colonial Secretary's Office, R. E. STUBBS,
Colombo, July 23, 1915. Colonial Secretary.

Summary of Objects.

The objects of this Ordinance are—

1. To provide a permanent special tribunal for the trial of certain classes of cases, which, whether by virtue of their own nature or the circumstances of the time, are not appropriately triable by jury.

2. To provide a more adequate and elastic punishment for cases of sedition tried before this tribunal than is allowed by the present law.

3. To provide for the trial of certain persons, now detained under martial law, who are not charged with acts of violence, or direct incitement to, or complicity with, acts of violence.

Colombo, July 23, 1915. ANTON BERTRAM,
Attorney-General.