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DRAFT ORDINANCE.

MINUTE.

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

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, December 23, 1897.

An Ordinance for consolidating and amending the Procedure
of the Courts of Criminal Judicature.

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**An Ordinance for consolidating and amending the Procedure
of the Courts of Criminal Judicature.**

WHEREAS it is expedient to consolidate and amend the law relating to the procedure in the Courts of Criminal Judicature of this island : It is therefore enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof as follows :

Preamble.

PART I.

CHAPTER I.

Preliminary.

1 This Ordinance, which is generally referred to hereinafter as "this Code," shall be called "The Criminal Procedure Code, 1897," and shall come into operation on such day as may be appointed by order of the Governor in Executive Council proclaimed in the *Government Gazette*.

Short title.

2 (1) On and from the day when this Ordinance comes into operation the Ordinances mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to render unlawful the continuance of any confinement which is then lawful.

Repeals.

(2) This repeal shall not affect—

(a) The past operation of any enactment hereby repealed nor anything duly done or suffered thereunder ; or

(b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any such enactment ; or

(c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment ; or

(d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; but any such investigation, legal proceeding, and remedy may be carried on as if any such enactment had not been repealed.

(3) Whenever reference is made in any enactment now in force to "The Criminal Procedure Code, 1883," or to any enactment hereby repealed such enactment shall be deemed to refer to the corresponding provisions of this Code so far as the same are applicable.

Interpretation
clause.

3 (1) In this Code the following words and expressions have the following meanings unless a different intention appears from the subject or context :

- " Complaint." " Complaint " means the allegation made orally or in writing to a police magistrate with a view to his taking action under this Code that some person, whether known or unknown, has committed an offence.
- " Inquiry." " Inquiry " includes every inquiry conducted under this Code before a police court or by an inquirer.
- " Judicial proceeding." " Judicial proceeding " means any proceeding in the course of which evidence is or may be legally taken.
- " Discharge." " Discharge " with its grammatical variations and cognate expressions means the discontinuance of criminal proceedings against an accused, but does not include an acquittal.
- " Chief Justice." " Chief Justice " means the Chief Justice of the Island of Ceylon and includes an acting Chief Justice.
- " Judge." " Judge " means a judge of the Supreme Court and includes an acting judge.
- " Supreme Court." " Supreme Court " and " Court " when applicable to the Supreme Court means the Supreme Court of the island of Ceylon for the time being or the Chief Justice or any judge thereof.
- " Attorney-General." " Attorney-General " means Her Majesty's Attorney-General for this island and includes an acting Attorney-General, and " Solicitor-General " has a corresponding meaning.
- " Solicitor-General."
- " District Courts." " District Courts " and " Police Courts " mean district courts and police courts respectively as defined by " The Courts Ordinance, 1889."
- " Police Courts."
- " District Judge." " District Judge " means the judge of a district court and includes an acting judge.
- " Police Magistrate." " Police Magistrate " and " Magistrate " mean a magistrate appointed to a police court and include acting officers.
- " Registrar." " Registrar " means the registrar of the Supreme Court and includes deputy registrar and the persons acting for the time being as registrar or deputy registrar.
- " Inquirer." " Inquirer " means a person appointed by the Governor under chapter XII.

- "Police officer" means a member of an established police force and includes the Inspector-General, superintendents, inspectors, sergeants, and constables of police. "Police officer."
- "Peace officer" includes police officer and headmen appointed by a government agent in writing to perform police duties. "Peace officer."
- "Penal Code" means the Ceylon Penal Code together with every statutory modification or amendment thereof. "Penal Code."
- "Pleader" used with reference to any proceeding in any court means (1) an advocate; (2) any person authorized under any law for the time being to practice in such court. "Pleader."
- "Police station" means any post declared generally or specially by the Government to be a police station; and "officer in charge of a police station" includes, when the officer in charge of a police station is absent therefrom or unable from illness to perform his duties, the police officer present at the police station who is next in rank to such officer. "Police stations."
- "Person" includes a company or association of persons whether incorporated or not. "Person."
- "Prescribed" means prescribed by this Code or by any rules made thereunder. "Prescribed."
- "Offence" means any act or omission made punishable by any law for the time being in force in this island. "Offence."
- "Cognizable offence" means an offence for which and "cognizable case" means a case in which a peace officer may in accordance with the second schedule arrest without warrant. "Cognizable offence."
- "Non-cognizable offence" means an offence for which and "non-cognizable case" means a case in which a peace officer may not arrest without warrant. "Non-cognizable offence."
- "Bailable offence" means an offence shown as bailable in the second schedule or which is made bailable by any other law for the time being in force, and "non-bailable offence" means any other offence. "Bailable offence."
- "Indictable offence" means an offence triable only by the Supreme Court or a district court. "Indictable offence."
- "Summary offence" means a case triable by a police court. "Summary offence."
- "Fine" includes any fine, pecuniary forfeiture, or compensation adjudged upon any conviction of any crime or offence or for the breach of any Ordinance by any court. "Fine."
- "Chapter" means a chapter of this Code and "schedule" means a schedule hereto annexed and "section" means a section of this Code. "Chapter."
"Schedule."
"Section."

- "Place."** "Place" includes a house, building, tent, and vessel.
- "Writing."**
"Written." "Writing" and "written" include printing, lithography, photography, engraving, and every other mode in which words or figures can be expressed on paper or on any substance.
- Words referring to acts include illegal omissions.** Words which refer to acts done extend to illegal omissions; and
- Words to have same meaning as in Penal Code** All words and expressions used herein and defined in the Penal Code and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Code.
- Signatures to be in handwriting.** (2) Whenever by or for the purposes of this Code any person is directed or required to sign a document the signature must be written with a pen or other like instrument and must not be affixed or impressed by a stamp or other like means.
- Trial of offences under Penal Code and other laws.** 4 All offences under the Penal Code* shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions, subject however to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.
- Saving of powers of Supreme Court and Attorney-General.** 5 Nothing in this Code shall be construed as derogating from the powers or jurisdiction of the Supreme Court or of the judges thereof or of the Attorney-General.
- Law of England when applicable.** 6 As regards matters of Criminal Procedure for which no special provision may have been made by this Code or by any other law for the time being in force in this island, the law relating to Criminal Procedure for the time being in force in England shall be applied so far as the same shall not conflict or be inconsistent with this Code and can be made auxiliary thereto.

PART II.

CHAPTER II.

Powers of Criminal Courts.

7 Notwithstanding anything contained in section 86 of "The Courts Ordinance,"* a magistrate inquiring into an offence may if he thinks fit order at any stage of the inquiry that the public generally or any particular person shall not have access to or be or remain in the court, provided that in no case shall the pleader of the accused be excluded except in case of gross misconduct.

Inquiries may be held in private.

8 In addition to all other powers vested in the Supreme Court and the Judges thereof such Court in the exercise of its power of superintendence may inspect all inferior courts and give directions as to the keeping of the records thereof

Powers of superintendence.

9 Every police court shall have as heretofore and under and subject to the provisions of this Code full power and authority and is hereby required to hear, try, determine, and dispose of in a summary way all suits or prosecutions for offences committed wholly or in part within its local jurisdiction, which offences by this Code or any law in force in this colony are made cognizable by a police court ;

Criminal summary jurisdiction of police courts.

And also jurisdiction to inquire into, subject to and as provided for by this Code, all offences committed or alleged to have been committed within the local jurisdiction of such courts or into which jurisdiction is by this Code given to such courts to inquire, and to summon and examine all witnesses touching such offences and to summon and apprehend all criminals and offenders and deal with them according to law ;

Jurisdiction to inquire into the commission of offences.

And to issue warrants to search or to cause to be searched all places wherein any stolen goods or any goods, articles, or things with which or in respect of which any offence has been committed are alleged to be kept or concealed and to require persons to furnish security for the peace or for their good behaviour according to law ;

To require sureties for the peace.

And also jurisdiction under and subject to this Code to inquire into all cases in which any person shall die in any prison or asylum or shall come to his death by violence or accident or when death shall have occurred suddenly or when the body of any person shall be found dead without its being known how such person came by his death ;

To inquire into cases of sudden or accidental death.

Provided however that nothing herein contained shall be held to give a police court summary jurisdiction to hear or determine any suit or prosecution for or in respect of any offence over which any village tribunal has exclusive jurisdiction under any special law.

Proviso saving exclusive jurisdiction of village tribunals.

Offences under Penal Code.

10 Subject to the other provisions of this Code any offence under the Penal Code* may be tried by the Supreme Court or by any other court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

11 Any offence under any law other than the Penal Code shall when any court is mentioned in that behalf in such law be tried by such court. When no court is mentioned it may be tried by the Supreme Court or by any other court mentioned in the second schedule: Provided that—

(a) No district court shall try any such offence which is punishable with imprisonment for a term which may exceed two years; and

(b) Except as hereinafter provided no police court shall try any such offence which is punishable with imprisonment for a term which may exceed six months.

District courts not to have original criminal jurisdiction.

12 No district court shall take cognizance of any offence unless the accused person has been committed for trial by a police court duly empowered in that behalf or unless the case has been transferred to it from some other court for trial by order of the Supreme Court.

Sentences which Supreme Court may pass.

13 The Supreme Court may pass any sentence authorized by law.

Sentences which district courts may pass.

14 A district court may pass any of the following sentences:

(a) Imprisonment of either description for a term not exceeding two years.

(b) Fine not exceeding one thousand rupees.

(c) Whipping.

(d) Any lawful sentence combining any two of the sentences aforesaid.

Sentences which police courts may pass.

15 (1) A police court may subject to the provisions of section 152 (3) pass any of the following sentences:

(a) Imprisonment of either description for a term not exceeding six months.

(b) Fine not exceeding one hundred rupees.

(c) Whipping if the offender is under sixteen years of age.

(d) Any lawful sentence combining any two of the sentences aforesaid.

(2) Nothing in this section shall be deemed to repeal the provisions of any enactment now in force whereby special powers of punishment are given to police courts.

Power of district or police courts to sentence to imprisonment in default of payment of fine.

16 (1) A district court or a police court may award such term of imprisonment in default of payment of a fine as is authorized by law in case of such default, provided that the term awarded is not in excess of the court's powers under this Code.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the court under sections 14 or 15.

17 (1) When a person is convicted at one trial of any two or more distinct offences the court may sentence him for such offences to the several punishments prescribed therefor which such court is competent to inflict; such punishments when consisting of imprisonment to commence, unless the court orders them or any of them to run concurrently, the one after the expiration of the other in such order as the court may direct, but it shall not be necessary for a police court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of one single offence to send the offender for trial before a superior court.

Sentence in case of conviction for several offences at one trial.

Provided that if the case is tried by a district court or a police court the aggregate punishment shall not exceed twice the amount of punishment which such court in the exercise of its ordinary jurisdiction is competent to inflict.

Maximum term of punishment.

(2) For the purpose of appeal aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

18 No district judge shall except with the express consent of the accused try any case which he has committed for trial as police magistrate.

Committing magistrate not to try offenders in his capacity of district judge without offender's consent.

PART III.

GENERAL PROVISIONS.

CHAPTER III.

Of Aid and Information to the Magistrates and Police, and Persons making Arrests.

Public when to assist magistrates and police.

19 Every person is bound to assist a police magistrate or a peace officer reasonably demanding his aid—

- (a) In the taking of any other person whom such magistrate or peace officer is authorized to arrest ;
- (b) In the prevention of a breach of the peace or of any injury attempted to be committed to any public property ;
- (c) In the suppression of a riot or an affray.

Aid to person other than peace officer executing warrant.

20 When a warrant is directed to a person other than a peace officer any other person may aid in the execution of such warrant if the person to whom the warrant is directed be near at hand and acting in the execution of his warrant.

Public to give information of certain offences.

21 Every person aware—

- (a) Of the commission of or the intention of any other person to commit any offence punishable under the following sections of the Penal Code namely 114, 115, 116, 117, 118, 119, 120, 121, 122, 126, 296, 297, 371, 380, 381, 382, 383, 384, 418, 419, 435, 436, 442, 443, 444, 445, and 446 ;
- (b) Of any sudden or unnatural death or death by violence or of any death under suspicious circumstances or of the body of any person being found dead without it being known how such person came by death

shall in the absence of reasonable excuse—the burden of proving which shall lie upon the person so aware—forthwith give information to the nearest police court or to the officer in charge of the nearest police station or to a peace officer or the headman of the nearest village of such commission or intention or of such sudden unnatural or violent death or death under suspicious circumstances or of the finding of such dead body.

Peace officer bound to report certain matters.

22 Every peace officer shall forthwith communicate to the nearest police magistrate or inquirer having jurisdiction or to his own immediate superior officer any information which he may have or obtain respecting—

- (a) The commission of any offence within the local jurisdiction in which he is empowered to act ;
- (b) The occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances ;
- (c) The finding of the dead body of any person without its being known how such person came by death.

CHAPTER IV.

Of Arrest, Escape, and Retaking.

A.—*Arrest generally.*

23 (1) In making an arrest the person making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action.

Arrest how made.

(2) If such person forcibly resist the endeavour to arrest him or attempt to evade the arrest, the person making the arrest may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death.

24 If any person acting under a warrant of arrest or having authority to arrest has reason to believe that any person to be arrested has entered into or is within any place, the person residing in or in charge of such place shall on demand of such person acting or having authority as aforesaid allow him free ingress thereto and afford all reasonable facilities for a search therein.

Search of place entered by person sought to be arrested.

25 If ingress to such place cannot be obtained under the preceding section it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape for a peace officer, to enter such place and search therein, and in order to effect an entrance into such place to break open any outer or inner door of any place whether that of the person to be arrested or of any other person, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance.

Procedure where ingress not obtainable.

26 Whenever a search for anything is or is about to be lawfully made in any house or place in respect of any offence all persons found therein may be lawfully detained until the search is completed, and they may if the thing sought be in its nature capable of being concealed on the person be searched for it by or in presence of a police magistrate or inquirer or a peace officer not under the rank of inspector, korala, muhandiram, or udaiyar.

Search of persons in place searched under warrant.

27 Any person authorized to make an arrest may break open any outer or inner door or window of any place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors and windows for purposes of liberation.

28 The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

29 Whenever a person—

(a) Is arrested by a peace officer under a warrant which does not provide for the taking of bail or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail; or

Search of persons arrested.

(b) Is arrested without warrant or by a private person under a warrant and cannot legally be admitted to bail or is unable to furnish bail :

the peace officer making the arrest, or when the arrest is made by a private person the peace officer to whom he hands over the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel found upon him ; and any of such articles which there is reason to believe were the instruments or the fruits or other evidences of the crime may be detained until his discharge or acquittal.

Mode of searching women.

30 Whenever it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

Power to seize offensive weapons.

31 The person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person and shall deliver all weapons so taken to the court or officer before which or whom the person making the arrest is required by law to produce the person arrested.

B.—*Arrest without a Warrant.*

When peace officers may arrest without warrant.

32 (1) Any peace officer may without an order from a magistrate and without a warrant arrest—

- (a) Any person who in his presence commits any breach of the peace ;
- (b) Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned ;
- (c) Any person having in his possession without lawful excuse (the burden of proving which excuse shall lie on such person) any implement of house-breaking ;
- (d) Any person who has been proclaimed as an offender ;
- (e) Any person in whose possession anything is found which may reasonably be suspected to be property stolen or fraudulently obtained and who may reasonably be suspected of having committed an offence with reference to such thing ;
- (f) Any person who obstructs a peace officer while in the execution of his duty or who has escaped or attempts to escape from lawful custody ;
- (g) Any person reasonably suspected of being a deserter from Her Majesty's army or navy ;
- (h) Any person found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence ;

(1) Any person who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of this island, which if committed in this island would have been punishable as an offence and for which he is under any law relating to extradition or under the Imperial Fugitive Offenders Act, 1881,* or otherwise liable to be apprehended or detained in custody in this island.

(2) Nothing in this section shall be held to interfere with or modify the operation of any enactment empowering a peace officer to arrest without a warrant.

33 (1) When any person in the presence of a peace officer is accused of committing a non-cognizable offence and refuses on the demand of such peace officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such peace officer in order that his name or residence may be ascertained, and he shall within twenty-four hours from the arrest exclusive of the time necessary for the journey be taken before the nearest police court unless before that time his true name and residence are ascertained, in which case such person shall be forthwith released on his executing a bond for his appearance before a police court if so required.

Powers of arrest in non-cognizable cases.

(2) When any person is accused of committing a non-cognizable offence and a peace officer has reason to believe that such person has no permanent residence in the colony and that he is about to leave the colony, he may be arrested by such peace officer and shall be taken forthwith to the nearest police magistrate, who may either require him to execute a bond with or without a surety for his appearance before a police court or may order him to be detained in custody until he can be tried.

34 For the purpose of arresting any person whom he has power to arrest without a warrant a peace officer may pursue any such person into any part of this island.

Pursuit of offenders into other jurisdictions.

35 Any private person may arrest any person who in his presence commits a cognizable offence or who has been proclaimed as an offender and shall without unnecessary delay make over the person so arrested to the nearest peace officer or in the absence of a peace officer take such person to the nearest police station. If there is reason to believe that such person comes under the provisions of section 32, a peace officer shall re-arrest him. If there is reason to believe he has committed a non-cognizable offence and he refuses on the demand of a police officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false or is a person which such officer has reason to believe is about to leave the colony

Arrest by private persons. Procedure on such arrest.

* 44 & 45 Vic. c. 69.

he shall be dealt with under the provisions of section 33. If there is no reason to believe that he has committed any offence he shall be at once discharged.

How person arrested is to be dealt with.

36 A peace officer making an arrest without warrant shall without unnecessary delay and subject to the provisions herein contained as to bail take or send the person arrested before a police magistrate having jurisdiction in the case.

Person arrested not to be detained more than twenty-four hours.

37 No peace officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable; and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the police magistrate.

Police to report arrests.

38 Officers in charge of police stations shall report to the police courts of their respective districts the cases of all persons arrested without warrant by any police officer attached to their stations or brought before them and whether such persons have been admitted to bail or otherwise.

Discharge of person arrested.

39 No person who has been arrested by a peace officer shall be discharged except on his own bond or on bail or under the special order in writing of a police magistrate.

Offence committed in magistrate's presence.

40 When any offence is committed in the presence of a police magistrate within the local limits of his jurisdiction he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of magistrate.

41 Any police magistrate may at any time arrest or direct the arrest in his presence within the local limits of his jurisdiction of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power on escape to pursue and retake.

42 If a person in lawful custody escapes or is rescued the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place, either within or without the jurisdiction where he was so in custody, and deal with such person as he might have done on the original taking.

Provisions of sections 24, 25, and 27 to apply to arrests under section 42.

43 The provisions of sections 24, 25, and 27 shall apply to arrests under section 42 although the person making the arrest is not acting under a warrant and is not a peace officer having authority to arrest.

CHAPTER V.

Of Processes to compel Appearance.

A.—*Summons.*

Form of summons.

44 (1) Every summons issued by a court under this Code shall be in writing in duplicate and signed in the case of the Supreme Court by the registrar and in the case of a district court by the secretary and in the case of a police court by a police magistrate or such other officer as the Supreme Court may from time to time by rule direct, and shall be in the prescribed form.

(2) If the person summoned is a native who is believed not to be able to read English, one of such duplicates shall if he is a Sinhalese be in Sinhalese, and if he is a Tamil, Moorman, or Malay one of such duplicates shall be in Tamil.

45 (1) The summons shall ordinarily be served by a fiscal's officer or a peace officer, but the court issuing the same may if it see fit direct it to be served by any other person.

Summons how served.

(2) It shall if practicable be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons which in the case of a Sinhalese, Tamil, Moorman, or Malay shall be the duplicate in the vernacular.

(3) In the case of a company or association of persons whether incorporated or not the summons may be served on the secretary or other like officer of the same.

46 When the person to be summoned cannot by the exercise of due diligence be found the summons may be served by leaving one of the duplicates for him with some adult member of his family or with his servant residing with him.

Service when person summoned cannot be found.

47 If the service prescribed in sections 45 and 46 cannot by the exercise of due diligence be effected the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides, and in such case the summons, if the court either before or after such affixing so directs, shall be deemed to have been duly served.

Procedure when personal service cannot be effected.

48 Where the person summoned is in the active service of the Government the court issuing the summons shall ordinarily send it in duplicate to the head of the department or office in which such person is employed; and such head shall thereupon cause one of the duplicates to be served in manner provided by section 45 and shall return the other to the court with an endorsement of service.

Service on government servant.

49 (1) When a summons issued by a court is served an affidavit of such service purporting to be made before an officer duly authorized to administer an oath, or a report of such service purporting to be made by a peace officer, or in the case mentioned in section 48 the endorsement therein mentioned, shall be admissible in evidence and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

Proof of service.

(2) Every person making such report or endorsement as in this section mentioned shall be legally bound to state the truth in such statement or endorsement.

B.—Warrant of Arrest.

50 (1) Every warrant of arrest issued by a court under this Code shall be in writing, signed in the case of the Supreme Court by the Chief Justice or a judge thereof, in the case of a district court by a judge thereof, and in the case of a police court by a magistrate thereof, and shall be in the prescribed form.

Form of warrant of arrest.

(2) Every such warrant shall remain in force until it is cancelled by the court which issued it or until it is executed.

Continuance of warrant of arrest.

Court may direct security to be taken.

51 (1) A police court issuing a warrant for the arrest of any person may in the case of any non-bailable offence and shall in the case of a bailable offence direct by endorsement on the warrant that if such person execute a bond with sufficient sureties for his attendance before the court at a specified time and thereafter until otherwise directed by the court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(2) The endorsement shall state—

(a) The number of sureties ;

(b) The amount in which they and the person for whose arrest the warrant is issued are to be respectively bound ;

(c) The day and hour at which he is to attend before the court.

(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the court.

Warrants to whom directed.

52 (1) A warrant of arrest shall ordinarily be directed to the fiscal of the province wherein the court issuing such warrant is sitting and may be executed by all fiscals, deputy fiscals, fiscals' officers, and peace officers within the limits of their several and respective jurisdictions, or in any part of this island by any police officer.

(2) The court issuing the warrant may direct it to any other person or persons by name or office and such person or persons or any police officer may execute the same.

(3) When the warrant is directed to a peace officer by name it shall not be executed by another peace officer unless endorsed to him by name.

(4) When the warrant is directed to more persons than one it may be executed by all or any one or more of them.

Notification of substance of warrant.

53 The person executing a warrant of arrest shall notify the substance thereof to the person arrested, and if so required shall show him the warrant or a copy thereof signed by the person issuing the same.

Person arrested to be brought before court without delay.

54 The person executing a warrant of arrest shall (subject to the provisions of section 51 as to security) without unnecessary delay bring the person arrested before the court before which he is required by law to produce such person, and he shall endorse on the warrant the time when and the place where the arrest was made.

Where warrant may be executed.

55 A warrant of arrest may be executed at any place in this island.

Warrants for execution outside jurisdiction.

56 (1) When a warrant of arrest is to be executed outside the local limits of the jurisdiction of the court issuing the same such court shall ordinarily forward the same by post or otherwise to the police court within the local limits of the jurisdiction of which it is to be executed.

(2) A magistrate of the police court to which the warrant is so forwarded shall endorse his name thereon and if practicable cause it to be executed within the local limits of his jurisdiction.

(3) Whenever there is reason to believe that the delay or publicity occasioned by obtaining the endorsement of the

magistrate within the local limits of whose jurisdiction a warrant is to be executed will prevent such execution, the court issuing the warrant may direct the warrant specially to any person ; and a warrant so specially directed shall have effect and may lawfully be executed by such person without such endorsement as aforesaid anywhere within the island. Provided always that upon the execution of such warrant the provisions of section 58 shall apply.

57 When a warrant directed to a fiscal is to be executed outside the province of such fiscal he shall endorse it to the fiscal of the province within which the warrant is to be executed and shall thereupon forward the same by post or otherwise to such fiscal, who upon receipt thereof shall cause such warrant to be executed in the same way as if it had been originally directed to him.

Warrant directed to fiscal for execution outside jurisdiction.

58 (1) When a warrant of arrest is executed outside the local limits of the jurisdiction of the court by which it was issued the person arrested shall, unless the court which issued the warrant is within twenty miles of the place of arrest or is nearer than the police court within the local limits of the jurisdiction of which the arrest was made or unless security be taken under section 51, be carried before such last-mentioned police court.

Procedure on arrest of person against whom warrant is issued.

(2) Such latter police court shall, if the person arrested appears to be the person intended by the court which issued the warrant, direct his removal in custody to such last-mentioned court, provided that if the offence be bailable and the person arrested be ready and willing to give bail to the satisfaction of the court before whom he shall have been brought or a direction has been endorsed under section 51 on the warrant and such person is ready and willing to give the security required by such direction, such last-mentioned court shall take such bail or security as the case may be and forward the bond to the court which issued the warrant.

(3) Nothing in this section shall be deemed to prevent a peace officer from taking security under section 51.

C.—Proclamation and Attachment.

59 (1) If any court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

Proclamation for person absconding.

(2) The proclamation shall be published as follows :

(a) It shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides ;

(b) It shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village ; and

(c) A copy thereof shall be affixed to some conspicuous part of the court-house.

Attachment of
property of
person
absconding.

(3) A statement by the court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with and that the proclamation was published on such day.

60 (1) The court may after issuing a proclamation under the last preceding section order the attachment of any property, movable or immovable or both, belonging to the proclaimed person.

(2) Such order shall authorize the attachment of any property belonging to such person within the local jurisdiction of the court by which it is made ; and it shall authorize the attachment of any property belonging to such person without such jurisdiction when endorsed by a district judge or a police magistrate within whose jurisdiction such property is situate.

(3) If the property ordered to be attached be debts or other movable property, the attachment under this section shall be made—

(a) By seizure ; or

(b) By the appointment of a receiver ; or

(c) By an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf ; or

(d) By all or any two of such methods as the court thinks fit.

(4) If the property ordered to be attached be immovable, the attachment under this section shall be made through the government agent of the province in which such property is situate—

(a) By taking possession ; or

(b) By the appointment of a receiver ; or

(c) By an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf ; or

(d) By all or any two of such methods as the court thinks fit.

(5) The powers, duties, and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed in a civil proceeding.

(6) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of the Governor, but it shall not be sold until the expiration of six months from the date of the attachment unless it is subject to speedy and natural decay or the court considers that the sale would be for the benefit of the owner, in either of which cases the court may cause it to be sold whenever it thinks fit.

(7) Notice of every such order of attachment of immovable property shall be forthwith given by the court making the same to the registrar of lands for the district in which such property is situate, who shall forthwith register the same, and no such order shall take effect until the same is registered under the provisions of section 16 of "The Land Registration Ordinance, 1891."*

(8) In the case of the sale of immovable property the conveyance to the purchaser shall be executed by the government agent of the province in which such property is situate, and a conveyance so executed shall vest such property in the purchaser in like manner as if such conveyance had been executed by the proclaimed person.

61 If within one year from the date of the attachment any person whose property is or has been at the disposal of the Governor under the last preceding section appears voluntarily or is apprehended and brought before the court by whose order the property was attached and proves to the satisfaction of such court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or if the same has been sold the net proceeds of the sale or if part only thereof has been sold the net proceeds of the sale and the residue of the property, shall after satisfying thereout all costs incurred in consequence of the attachment be delivered to him.

Restoration of attached property.

D.—Other Rules regarding Processes.

62 A court may in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor issue, after recording its reasons in writing, a warrant for his arrest—

Issue of warrant in lieu of or in addition to summons.

- (a) If either before the issue of summons or after the issue of the same but before the time fixed for his appearance the court sees reason to believe that he has absconded or will not obey the summons; or
- (b) If at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

63 When any person for whose appearance or arrest the officer presiding in any court is empowered to issue a summons or warrant is present in such court such officer may require such person to execute a bond with or without sureties for his appearance in such court.

Power to take bond for appearance.

64 (1) All summonses to appear may be served in any part of the island, provided that no such summonses shall be served outside the local limits of the jurisdiction of the court issuing the same unless the same be endorsed by such court with the words "For service out of the jurisdiction."

Summons to run in any part of the island.

(2) No such summons shall be endorsed with the words "For service out of the jurisdiction" unless the court is satisfied that there are grounds for allowing such service.

(3) The provisions of this chapter as to the direction and execution of warrants shall apply as near as may be to summonses.

65 When any person who is bound by any bond taken under this Code to appear before a court does not so appear the officer presiding in such court may issue a warrant directing that such person be arrested and produced before him.

Arrest on breach of bond for appearance.

CHAPTER VI.

Of Process to compel the production of Documents and other Movable Property and for the discovery of Persons wrongfully confined.

A.—Summons to Produce.

Summons to produce document or other thing.

66 (1) Whenever any court considers that the production of any document or other thing is necessary or desirable for the purposes of any proceeding under this Code by or before such court it may issue a summons to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it or to produce it at the time and place stated in the summons.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed to affect the provisions of sections 123 and 130 of "The Evidence Ordinance, 1895,"* or to apply to any book, letter, post-card, telegram, or other document in the custody of the postal or telegraph authorities.

Procedure as to letters and telegrams, &c.

67 (1) If any such book, letter, post-card, telegram, or other document as in sub-section (3) of the last preceding section is mentioned is in the opinion of the Supreme Court wanted for the purpose of any proceeding under this Code the Supreme Court may require the postal or telegraph authorities as the case may be to deliver such document to such person as such court directs.

(2) If any such document is in the opinion of the Attorney-General wanted for any such purpose he may require the postal or telegraph authorities as the case may be to cause search to be made for and to detain such document pending the orders of the Supreme Court.

B.—Search Warrants.

When search warrant may be issued.

68 (1) Where any court has reason to believe that a person to whom a summons under section 66 or a requisition under section 67 has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition ; or

Where such document or other thing is not known to the court to be in the possession of any person ; or

Where the court considers that the purposes of any proceeding under this Code will be served by a general search or inspection

It may issue a search warrant in the prescribed form and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

(2) Every such warrant shall remain in force for a reasonable number of days to be specified in such warrant.

(3) Nothing herein contained shall authorize any court other than the Supreme Court to grant a warrant to search for a document in the custody of the postal or telegraph authorities.

* O. 14 of 1895.

69 The court may if it thinks fit specify in the warrant the particular place or part thereof to which only the search or inspection shall extend, and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

70 If a police court upon information and after such inquiry as it thinks necessary has reason to believe—

Search of house suspected to contain stolen property, forged documents, &c.

- (a) That any place is used for the deposit or sale of stolen property or of property unlawfully obtained; or
- (b) That any place is used for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin or instruments or materials for counterfeiting coin or stamps or for forging; or
- (c) That any stolen property or property unlawfully obtained, forged documents, false seals, or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are concealed, kept, or deposited in any place:

it may by warrant authorize the person to whom such warrant is directed—

- (a) To enter with such assistance as may be required such place; and
- (b) To search the same in manner specified in the warrant; and
- (c) To take possession of any property, documents, seals, stamps, or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false, or counterfeit and also of any such instruments and materials as aforesaid; and
- (d) To convey such property, documents, seals, stamps, coins, instruments, or materials before a police court or to guard the same on the spot until the offender is taken before a police court or otherwise to dispose thereof in some place of safety; and
- (e) To take into custody and carry before a police court every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments, or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained or the said documents, seals, stamps, coins, instruments, or materials to have been forged, falsified, or counterfeited or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

71 When in the execution of a search warrant at any place beyond the local limits of the jurisdiction of the court which issued the same any of the things for which search is made are found, such things together with a list of the same prepared under the provisions hereinafter contained shall be immediately taken before the court issuing the warrant unless such place is nearer to the police court having

Disposal of things found in search beyond jurisdiction.

local jurisdiction therein ; in which case the list and things shall be immediately taken before such last-mentioned court, and unless there be good cause to the contrary such last-mentioned court shall make an order authorizing them to be taken to the court issuing the warrant.

C.—Discovery of Persons wrongfully confined.

Search for persons wrongfully confined.

72 If any police court has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, it may issue a search warrant ; and the person to whom such warrant is directed may search for the person so confined and such search shall be made in accordance therewith ; and the person if found shall be immediately taken before such court, which shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to Searches.

Direction, &c., of search warrants.

73 The provisions of sections 20, 50, 52, 56, and 57 shall so far as may be apply to all search warrants issued under this chapter.

Persons in charge of closed place to allow search.

74 (1) Whenever any place liable to search or inspection under this chapter is closed any person residing in or being in charge of such place shall on demand of the person executing the warrant and on production of the warrant allow him free ingress thereto and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained the person executing the warrant may proceed in manner provided by section 25.

Officer to make list of things seized.

75 The person executing the search warrant shall make a list of all things seized in the course of the search and of the places in which they are respectively found and shall sign such list.

Occupant of place searched may attend.

76 The occupant of the place searched or some person on his behalf shall in every instance be permitted to attend during the search and a copy of the list prepared under the last preceding section, signed by the person executing the warrant, shall be delivered to such occupant or person at his request.

E.—Miscellaneous.

Court may impound things produced.

77 Any court may if it thinks fit impound any document or other thing produced before it under this Code.

Search warrants may be endorsed by peace officer.

78 (1) A search warrant directed or endorsed to a peace officer may, if he is not able to proceed in person, be executed by any other peace officer.

(2) In such case the name of such peace officer shall be endorsed upon the warrant by the officer to whom it is directed or endorsed.

Powers of magistrate when present at search.

79 (1) The police magistrate by whom a search warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

(2) Any police magistrate may orally direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VII.

Of Security for keeping the Peace and for Good Behaviour.

A.—*Security for keeping the Peace on Conviction.*

80 (1) Whenever any person accused of rioting, assault, or other breach of the peace or of abetting the same or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or accused of committing criminal intimidation by threatening injury to person or property, or of being member of an unlawful assembly, is convicted of such offence and the court before which such person is convicted is of opinion that it is necessary to require such person to execute a bond for keeping the peace, such court may at the time of passing sentence on such person order him to execute a bond for a sum proportionate to his means with or without sureties for keeping the peace during such period in each instance as it thinks fit to fix, not exceeding six months if the sentence or order be by a police court or two years if the sentence or order be by a district court.

Security for keeping the peace on conviction.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—*Security for keeping the Peace in other Cases and Security for Good Behaviour.*

81 Whenever a police magistrate receives information that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace within the local limits of the jurisdiction of the police court of such magistrate, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the police magistrate may in manner hereinafter provided require such person to shew cause why he should not be ordered to execute a bond with or without sureties for keeping the peace for such period not exceeding six months as the magistrate thinks fit to fix.

Security for keeping the peace in other cases.

82 . Whenever a police magistrate receives information—

- (a) That any person is taking precautions to conceal his presence within the local limits of the jurisdiction of the police court of such magistrate and that there is reason to believe that such person is taking such precautions with a view to committing an offence; or
- (b) That there is within such limits a person who has no ostensible means of subsistence or who cannot give a satisfactory account of himself;

Security for good behaviour from suspected persons and vagrants, &c.

such magistrate may in manner hereinafter provided require such person to shew cause why he should not be ordered to

execute a bond with sureties for his good behaviour for such period not exceeding six months as the magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

83 Whenever a police magistrate receives information that any person within the local limits of the jurisdiction of the police court of such magistrate is an habitual robber, house-breaker, or thief or an habitual receiver of stolen property knowing the same to have been stolen or that he habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury or that he is an habitual protector or harbourer of thieves or that he is an habitual aider in the concealment or disposal of stolen property or that he is a notorious bad liver or is a dangerous character, such magistrate may in manner hereinafter provided require such person to shew cause why he should not be ordered to execute a bond with sureties for his good behaviour for such period not exceeding six months as the magistrate thinks fit to fix.

Summons or warrant in case of person not so present.

84 When a police magistrate acting under any one of the last three preceding sections deems it necessary to require any person to show cause under such section, he shall if such person is not present in court issue a summons requiring him to appear, or when such person is in custody but not present in court a warrant, directing the officer in whose custody he is to bring him before the court :

Provided that whenever it appears to such magistrate upon the report of a peace officer or upon other information (the substance of which report or information shall be recorded by the magistrate) that there is reason to fear the commission of a breach of the peace and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the magistrate may at any time issue a warrant for his arrest.

Form of summons or warrant.

85 Every summons or warrant issued under the last preceding section shall contain a brief statement of the substance of the information on which such summons or warrant is issued.

Power to dispense with personal attendance.

86 The police magistrate may if he sees sufficient cause dispense with the personal attendance of any person called upon to shew cause why he should not be ordered to execute a bond for keeping the peace and may permit him to appear by a pleader.

Inquiry as to the truth of information.

87 (1) When any person appears or is brought before a magistrate in compliance with or in execution of a summons or warrant issued under section 84, the magistrate shall proceed to inquire into the truth of the information upon which he has acted and to take such further evidence as may appear necessary.

(2) Such inquiry shall be made as nearly as may be practicable in the manner hereinafter prescribed for conducting trials in summary cases before police-courts.

(3) For the purpose of this section the fact that a person is an habitual offender or is such a person as is mentioned in section 83 may be proved by evidence of general repute or otherwise.

88 If upon such inquiry it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties, the magistrate shall make an order accordingly.

Order to give security.

Provided—

First.—That the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.

Secondly.—That when the person in respect of whom the inquiry is made is a minor the bond shall be executed only by his sureties.

89 If upon such inquiry it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry shall release him, or if such person is not in custody shall discharge him.

Discharge of person informed against.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

90 (1) If any person, in respect of whom an order requiring security is made under this chapter is at the time of making such order sentenced to or undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

(2) In other cases such period shall commence on the date of such order.

91 The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour as the case may be; and in the latter case the commission or attempt to commit or the abetment of any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Contents of bond.

92 A court may refuse to accept any surety offered under this chapter on the ground that for reasons to be recorded by the court such surety is an unfit person.

Power to reject sureties.

93 If any person ordered to give security under this chapter does not give such security on or before the date on which the period for which such security is to be given commences, he shall except in the case next hereinafter mentioned be committed to prison, or if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the court which made the order requiring it or to the superintendent or jailer of the prison in which he is detained.

Imprisonment in default of security.

94 Imprisonment for failure to give security for keeping the peace shall be simple.

Simple imprisonment for failure to give security for the peace.

95 Imprisonment for failure to give security for good behaviour may be rigorous or simple as the court in each case directs.

Rigorous or simple imprisonment for failure to give security for good behaviour.

Power to release person imprisoned for failing to give security.

96 (1) Whenever a court is of opinion that any person imprisoned for failing to give security under this chapter may be released without hazard to the community or to any other person, the court may order such person to be discharged.

(2) A court other than the Supreme Court shall not exercise this power except in cases where the imprisonment is under its own order.

Police magistrate to report to superior court, and such court may order release.

97 Whenever a police magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Supreme Court or a district court may be released without the hazard mentioned in the last preceding section, such magistrate shall make an immediate report of the case for the orders of the Supreme Court or district court as the case may be, and such court may if it thinks fit order such person to be discharged.

Discharge of sureties.

98 (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a police magistrate to cancel any bond executed under this chapter within the local limits of his jurisdiction.

(2) On such application being made the magistrate shall issue his summons or warrant as he thinks fit requiring the person for whom such surety is bound to appear or to be brought before him.

(3) When such person appears or is brought before the police magistrate such magistrate shall cancel the bond and shall order such person to give for the unexpired portion of the term of such bond fresh security of the same description as the original security. Every such order shall have the same effect as the original order.

CHAPTER VIII.

Unlawful Assemblies.

Assembly to disperse on command of magistrate or police officer.

99 Any police magistrate and any peace officer not below the rank of inspector, korala, muhandiram, or udaiyar may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse assembly.

100 If upon being so commanded any such assembly does not disperse or if without being so commanded it conducts itself in such a manner as to show a determination not to disperse any police magistrate or any such peace officer as in the last preceding section mentioned may proceed to disperse such assembly by force and may require the assistance of any male person (not being an officer or soldier in Her Majesty's army or a volunteer duly enrolled under the provisions of any law and acting as such) for the purpose of dispersing such assembly and if necessary arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

Use of military force.

101 If any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the government agent of the province or any police magistrate having jurisdiction who is present or the Inspector-General of Police may cause it to be dispersed by military force.

102 (1) When the government agent, police magistrate, or the Inspector-General of Police determines to disperse any such assembly by military force he may require any commissioned or non-commissioned officer in command of any soldiers in Her Majesty's army or (if the Governor so direct in writing) of any volunteers duly enrolled under the provisions of any law to disperse such assembly by military force and to arrest and confine such persons forming part of it, as the government agent, police magistrate, or Inspector-General of Police may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Duty of officer commanding troops required by magistrate to disperse assembly.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property as may be consistent with dispersing the assembly and arresting and detaining such persons.

103 When the public security is manifestly endangered by any such assembly and when the government agent, police magistrate, or the Inspector-General of Police cannot be communicated with any commissioned officer of Her Majesty's army may disperse such assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is acting under this section it becomes practicable for him to communicate with the government agent, police magistrate, or the Inspector-General of Police he shall do so and shall thenceforward obey the instructions of the government agent, police magistrate, or Inspector-General of Police as to whether he shall or shall not continue such action.

Power of commissioned military officers to disperse assembly.

104 No prosecution against any government agent, police magistrate, or the Inspector-General of Police or any military officer, peace officer, soldier, or volunteer for any act purporting to be done under this chapter shall be instituted in any criminal court except with the sanction of the Governor in Executive Council; and

Protection against prosecution for acts done under this chapter.

- (a) No government agent, police magistrate, or peace officer acting under this chapter in good faith;
- (b) No officer acting under section 103 in good faith;
- (c) No person doing any act in good faith in compliance with a requisition under section 100 or section 102; and
- (d) No inferior officer or soldier or volunteer doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER IX.

Public Nuisances.

105 (1) Whenever a police magistrate considers on receiving a report or other information and on taking such evidence (if any) as he thinks fit—

Conditional order for removal of nuisance.

That any unlawful obstruction or nuisance should be removed from any way, harbour, lake, river, or channel which is or may be lawfully used by the public or from any public place; or

That any trade or occupation or the keeping of any goods or merchandise should by reason of its being injurious to the health or physical comfort of the community be suppressed or removed or prohibited ; or

That the construction of any building or the disposal of any substance should as being likely to occasion conflagration or explosion be prevented or stopped ; or

That any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by and that in consequence its removal, repair, or support is necessary ; or

That any tank, well, or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public ;

such police magistrate may make a conditional order requiring that the person causing such obstruction or nuisance or carrying on such trade or occupation or keeping any such goods or merchandise or owning, possessing, or controlling such building, substance, tank, well, or excavation shall within a time to be fixed by such order—

Remove such obstruction or nuisance ; or

Suppress or remove such trade or occupation ; or

Remove such goods or merchandise ; or

Prevent or stop the construction of such building ; or

Remove, repair, or support it ; or

Alter the disposal of such substance ; or

Fence such tank, well, or excavation as the case may be ; or

Appear before himself or some other police magistrate of his court at a time and place to be fixed by the order and move to have the order set aside or modified in manner hereinafter provided.

(2) No order duly made under this section shall be called in question in any civil court.

(3) For the purpose of this section a "public place" includes also property belonging to the Crown or vested in any public officer or department of state for public purposes and ground left unoccupied for sanitary or recreative purposes.

Service or notification order.

106 (1) The order and any other order or notice made or given under this chapter shall if practicable be served on the person against whom it is made or to whom it is to be given in manner herein provided for service of a summons.

(2) If such order cannot be so served it shall be notified by Proclamation published in the *Government Gazette* and a copy thereof shall be posted up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey or show cause.

107 The person against whom such order is made shall within the time specified therein—

(a) Perform the act directed thereby ; or

(b) Appear in accordance with such order and show cause against the same.

Consequence of failing to do so.

108 If such person does not perform such act or appear and show cause as required by the last preceding section he shall be liable to the penalty prescribed in that behalf in

section 185 of the Penal Code and the order shall be made absolute ; provided that if such person be a corporate body it shall be liable to a fine of such amount not exceeding Rs. 100 as the police court thinks fit.

109 (1) If such person appears and shows cause against the order the police court shall take evidence in the matter.

Procedure in case of appearance.

(2) If such court is satisfied that the order is not reasonable and proper it shall either rescind the same or modify it in accordance with the requirements of the case, and in the latter case the order as modified shall be made absolute.

(3) If such court is not so satisfied the order shall be made absolute.

110 When an order has been made absolute under either of the last two preceding sections the police court shall give notice of the same to the person against whom the order was made and shall further require him to perform the act directed by the order within a time specified in the notice, and inform him that in case of disobedience he will be liable to the penalties provided by section 108.

Procedure on order being made absolute.

111 (1) If such act is not performed within the time specified in the notice issued under the last preceding section the police court may cause it to be performed and may recover the costs of performing it either by the sale of any building, goods, or other property removed by its order or by the distress and sale of any other movable property of such person within or without the local limits of the jurisdiction of such court. If such other property is without such limits the order shall authorize its attachment and sale when endorsed by a police magistrate within the local limits of whose jurisdiction the property to be attached is found.

Consequence of disobedience to order.

(2) No suit shall lie in respect of anything done in good faith under this section.

112 (1) If the police court making an order under section 105 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public it may issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

Injunction pending inquiry.

(2) In default of such person forthwith obeying such injunction such court may use or cause to be used such means as it thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a police magistrate under this section.

113 A police magistrate may order any person not to repeat or continue a public nuisance as defined in the Penal Code or any special or local law.

Magistrate may prohibit continuance or repetition of public nuisances.

CHAPTER X.

Temporary Orders in Urgent Cases of Nuisance.

114 (1) In cases where in the opinion of a police magistrate immediate prevention or speedy remedy is desirable such magistrate may by a written order stating the material facts of the case and served in manner provided by section 106 direct any person to abstain from a certain act

Power to issue absolute order at once in urgent cases of nuisance.

or to take certain order with certain property in his possession or under his management, if such magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance, or injury or risk of obstruction, annoyance, or injury to any persons lawfully employed or danger to human life, health, or safety or a riot or an affray.

(2) An order under this section may in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed be made *ex parte*.

(3) An order under this section may be directed to a particular person or to the public generally when frequenting or visiting a particular place and in the latter case a copy of the order shall be published as provided by section 106 (2), except that it shall not be necessary to notify it by proclamation in the *Government Gazette*.

(4) Any police magistrate may rescind or alter any order made under this section by himself or by his predecessor in office.

(5) No order under this section shall remain in force for more than fourteen days from the making thereof unless in cases of danger to human life, health, or safety or a likelihood of a riot or an affray the Governor by notification in the *Government Gazette* otherwise directs.

CHAPTER XI.

Preventive Action of Peace Officers.

Peace officers to prevent cognizable offences.

115 Every peace officer may interpose for the purpose of preventing and shall to the best of his ability prevent the commission of any cognizable offence.

Information of design to commit such offences.

116 Every peace officer receiving information of a design to commit any cognizable offence shall communicate such information to the officer to whom he is immediately subordinate or to some other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Peace officers may arrest without orders or warrant to prevent such offences.

117 A peace officer knowing of a design to commit any cognizable offence may arrest without orders from a police magistrate and without a warrant the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

118 A peace officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property movable or immovable or the removal or injury of any public landmark or buoy or other mark used for navigation.

Inspection of weights and measures.

119 (1) Any peace officer not below the rank of sergeant, korala, muhandiram, or udaiyar may without a warrant enter any place for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein whenever he has reason to believe that there are in such place any weights, measures, or instruments for weighing which are false.

(2) If he finds in such place any weights, measures, or instruments for weighing which are false he may seize the same and shall forthwith give information of such seizure to a police magistrate having jurisdiction.

PART V.

INVESTIGATION OF OFFENCES.

CHAPTER XII.

Information to Inquirers and their Powers to investigate.

120 The Governor may appoint any person by name or office to be an inquirer for any area the limits of which shall be specified in such appointment.

Governor may appoint inquirer.

121 Every information given to an inquirer relating to the commission of a cognizable offence shall be given to him orally and shall be reduced to writing by him and be read over to the informant, and every such information shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such inquirer who shall append to such entry the date and hour on which such information was given.

Information to inquirer.

122 If from information received or otherwise any inquirer has reason to suspect the commission of a cognizable offence he shall forthwith send a report of the same to the police court having jurisdiction in respect of such offence and shall proceed in person to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender.

Procedure where cognizable offence suspected.

123 (1) An inquirer making an investigation under this chapter may by order in writing require the attendance before himself of any person being within the local limits of his jurisdiction who from the information given or otherwise appears to be acquainted with the circumstances of the case, and such person shall be legally bound to attend as so required.

Inquirer's power to require attendance of persons able to give information.

(2) If any such person refuses to attend as so required, such inquirer may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order as aforesaid.

124 (1) An inquirer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined, but no oath or affirmation shall be administered to any such person.

Examination of witnesses by inquirer.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such inquirer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statement to inquirer not to be signed or admitted in evidence.

125 No statement other than a dying declaration made by any person to an inquirer in the course of any investigation under this chapter shall if reduced to writing be signed by the person making it or shall be used otherwise than to prove that a witness made a different statement at a different time.

No inducement to be offered.

126 No inquirer shall offer or make or cause to be offered or made any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no inquirer shall prevent or discourage by any caution or otherwise any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Search by inquirer.

127 Whenever an inquirer making an investigation in a cognizable case considers that the production of any document or thing is necessary to the conduct of the investigation and there is reason to believe that a person to whom summons or order under section 66 has been or might be issued will not produce such document or other thing as directed in the summons or order or when such document or other thing is not known to be in the possession of any person, such inquirer may search or cause search to be made for the same in any place.

(2) Such inquirer shall if practicable conduct the search in person.

(3) If he is unable to conduct the search in person and there is no other person competent to make the search present at the time, he may require any peace officer to make the search and he shall deliver to such peace officer an order in writing specifying the document or other thing for which search is to be made and the place to be searched, and such peace officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and searches thereunder shall so far as may be apply to a search made under this section.

Inquirer may require bond for appearance of complainant and witnesses.

128 If upon an investigation under this chapter it appears to the inquirer making such investigation that there is sufficient reason to justify the commencement or continuance of criminal proceedings for a cognizable offence against any person, such inquirer shall require the complainant if any and so many of the persons who appear to such inquirer to be acquainted with the circumstances of the case as he may think necessary to execute a bond to appear before a police court therein named and give evidence in the matter of the charge against the accused.

(2) The inquirer in whose presence the bond is executed shall deliver a copy thereof to each one of the persons who executed it and shall then send to the police court the original.

(3) If any complainant or witness refuses to execute such bond such inquirer shall report the same to the police court, which may thereupon in its discretion issue a warrant or summons to secure the attendance of such complainant or witness before itself to give evidence in the matter of the charge against the accused.

129 In addition to the powers hereinbefore mentioned every inquirer shall within the local limits of his jurisdiction have the following powers :

Additional powers of inquirers.

- (a) Power to arrest or direct the arrest in his presence of any offender.
- (b) Power to issue a warrant or to order the removal of an accused person arrested under a warrant.
- (c) Power to authorize the detention of a person during an investigation.
- (d) Power upon receiving an order from a magistrate to investigate a non-cognizable offence and to exercise all the powers conferred on him by this chapter in respect of such investigation.

130 Any magistrate having jurisdiction to hold an inquiry into any offence which is being investigated by an inquirer may withdraw the case from such inquirer and himself inquire into and try such case or commit the same for trial.

Magistrate may withdraw case from inquirer.

131 (1) Every inquirer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary setting forth the time at which he began and closed the investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation

(2) Any criminal court may send for the diaries of a case under inquiry in such court and may use such diaries not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries nor shall he or they be entitled to see them merely because they are referred to by the court, but if they are used by the inquirer who made them to refresh his memory or if the court uses them for the purpose of contradicting such inquirer the provisions of the Ceylon Evidence Ordinance,* section 161 or section 145 as the case may be, shall apply.

132 Every investigation under this chapter shall be completed without unnecessary delay and as soon as it is completed the inquirer making the same shall forward to the police court within whose division such investigation was made a report in the prescribed form setting forth the names of the parties, the nature of the information, and the names of the persons who appear to be acquainted with the circumstances of the case.

Report of inquirer.

CHAPTER XIII.

Statements to Magistrates or Peace Officers.

No inducement
to be offered.

133 Except as provided in chapter XXII. no peace officer or person in authority shall offer or make or cause to be offered or made any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no peace officer or other person shall prevent or discourage by any caution or otherwise any person from making any statement which he may be disposed to make of his own free will.

Power to record
statements and
confessions.

134 (1) Any police magistrate may record any statement made to him at any time before the commencement of an inquiry or trial.

(2) Such statement shall be recorded and signed in the manner provided in section 302 and dated, and shall then be forwarded to the police court by which the case is to be inquired into or tried.

(3) No magistrate shall record any such statement being a confession unless upon questioning the person making it he has reason to believe that it was made voluntarily; and when he records any such statement he shall make a memorandum at the foot of such record to the following effect:

I believe that this statement was voluntarily made. It was taken in my presence and hearing and was read over by me to the person making it and admitted by him to be correct, and it contains accurately the whole of the statement made by him.

(Signed) A. B.,

Magistrate of the Police Court of _____.

• PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XIV.

*Of the Jurisdiction of the Criminal Courts in
Inquiries and Trials.*

A.—*Place of Inquiry or Trial.*

135 Every offence shall ordinarily be inquired into and tried by a court within the local limits of whose jurisdiction it was committed.

Ordinary place of inquiry and trial.

136 Any district court or police court within the local limits of the jurisdiction of which an accused may be or be found shall have jurisdiction respectively in all cases of offences otherwise within their respective jurisdictions which have been committed on the territorial waters of the colony.

Any district or police court to have jurisdiction over offences committed on territorial waters.

137 When a person is accused of the commission of any offence by reason of anything which has been done and of any consequence which has ensued, such offence may be inquired into or tried by any court within the local limits of the jurisdiction of which any such thing has been done or any such consequence has ensued.

Accused is triable in district where act is done or consequence ensues.

Illustrations.

(a) A is wounded within the local limits of the jurisdiction of the police court of X and dies within those of the police court of Z ; the offence of culpable homicide of A may be inquired into by the police court of either X or Z.

(b) A is wounded within the local limits of the jurisdiction of the police court of X and is during ten days within the local limits of the jurisdiction of police court Y, and during ten days more within the local jurisdiction of police court Z, unable in the local limits of the jurisdiction of police court Y or Z to follow his ordinary pursuits ; the offence of unlawfully causing grievous hurt to A may be inquired into by the police court or tried by the district court of either X, Y, or Z.

(c) A is put in fear of injury within the local limits of the jurisdiction of the district court and police court of X and is thereby induced within the local limits of the jurisdiction of the district court and police court of Y to deliver property to the person who put him in fear ; the offence of extortion committed on A may be inquired into by the police court and tried by the district court of either X or Y.

138 When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a court within the local limits of the jurisdiction of which either act was done.

Place of trial where act is offence by reason of relation to other offence.

Illustrations.

- (a) A charge of abetment may be inquired into or tried either by the court within the local limits of whose jurisdiction the abetment was committed or by the court within the local limits of whose jurisdiction the offence abetted was committed.
- (b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the court within the local limits of whose jurisdiction the goods were stolen or by the court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.
- (c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into by the police court within the local limits of whose jurisdiction the wrongful concealing or by the police court within the local limits of whose jurisdiction the kidnapping took place.

Escape from custody.

139 The offence of having escaped from custody may be inquired into or tried either by the court within the local limits of whose jurisdiction the person charged is or by the court within the local limits of whose jurisdiction the offence was committed.

Criminal misappropriation and criminal breach of trust.

140 The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried either by the court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person or by the court within the local limits of whose jurisdiction the offence was committed.

Stealing.

141 The offence of stealing anything may be inquired into or tried by any court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial in various cases.

142 When it is uncertain in which of several local areas an offence was committed ; or

Where an offence is committed partly in one local area and partly in another ; or

Where an offence is a continuing one and continues to be committed in more local areas than one ; or

Where it consists of several acts done in different local areas ;

it may be inquired into or tried by a court having jurisdiction over any of such local areas.

Offence committed on a journey.

143 An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a court through or into the local limits of whose jurisdiction the offender or the person against whom or the thing in respect of which the offence was committed passed in the course of that journey or voyage.

Offences against railways, post office, telegraphs, and Arms Acts.

144 All offences against the provisions of any law for the time being in force relating to railways, telegraphs, the post office, or arms and ammunition may be inquired into or tried by any court, whether the offence is stated to have been committed within the local limits of the jurisdiction of such court or not, provided that the offender is found within such local jurisdiction.

145 Whenever any doubt is entertained by a police magistrate as to the police court by which any offence should be inquired into, such magistrate may embody the ascertained facts in the form of a case and transmit the same to the Attorney-General for his opinion, and the Attorney-General shall thereupon decide in which court the offence shall be inquired into and such court shall thereupon have jurisdiction to inquire into such offence.

Attorney-General to decide, in case of doubt, district where inquiry shall take place.

146 No sentence or order of any criminal court in the trial of an offence shall be liable to be set aside merely on the ground that the inquiry into the commission of the offence to which the sentence or order relates was made by a police court not empowered under this chapter so to do.

Sentence not to be set aside because inquiry held by wrong police court.

147 (1) No court shall take cognizance—

The conditions necessary for the initiation of prosecutions for certain offences.

(a) Of any offence punishable under sections 170 to 185 (both inclusive) of the Penal Code except with the previous sanction of the Attorney-General or on the complaint of the public servant concerned or of some public servant to whom he is subordinate.

(b) Of any offence punishable under sections 190, 191, 192, 193, 196, 197, 202, 203, 204, 205, 206, 207, and 223 of the same Code when such offence is committed in or in relation to any proceeding in any court except with the previous sanction of the Attorney-General or on the complaint of such court.

(c) Of any offence described in section 452 or punishable under sections 459, 463, 464 of the same Code when such offence has been committed by a party to any proceeding in any court in respect of a document given in evidence in such proceeding except with the previous sanction of the Attorney-General or on the complaint of such court.

(d) Of any offence punishable under chapter VI. of the Penal Code or punishable under section 288 of the same Code unless upon complaint made by the Attorney-General or by some other person with the previous sanction of the Attorney-General.

(e) Of any offence falling under chapter XIX. of the Penal Code unless upon complaint made by some person aggrieved by such offence or by some other person with the previous sanction of the Attorney-General.

(2) The complaint of a court shall be in writing under the hand in the case of the Supreme Court of the registrar and in the case of any other court of the district judge or a magistrate of such court.

(3) Where complaint is made by a court such court may cause the accused to be arrested and sent in custody before the police court having jurisdiction.

(4) When sanction is given in respect of any offence referred to in this section the court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts, but no such sanction shall remain in force for more than six months from the date on which it was given.

CHAPTER XV.

Of the Commencement of Proceedings before Police Courts.

Proceedings
in police court
how instituted.

148 (1) Proceedings in a police court shall be instituted in one of the following ways :

- (a) On a complaint being made to a magistrate of such court that an offence has been committed which such court has jurisdiction either to inquire into or try; provided that in the case of an indictable offence such complaint shall be made orally and provided also that in the case of a summary offence such complaint if in writing shall be drawn and countersigned by a pleader and signed by the complainant.
- (b) On a written report to the like effect being made to a magistrate of such court by an inquirer under chapter XII. or by a peace officer or a public servant or a municipal servant; or
- (c) Upon the knowledge or suspicion of a magistrate of such court to the like effect: provided that when proceedings are instituted under this clause the accused, or when there are several persons accused any one of them, shall be entitled to require that the case shall not be tried by the magistrate upon whose knowledge or suspicion the proceedings were instituted, but shall either be tried by another police magistrate or committed for trial.
- (d) On any person being brought before a magistrate of such court in custody without process, accused of having committed an offence which such court has jurisdiction either to inquire into or try; or
- (e) Upon a warrant under the hand of the Attorney-General requiring a magistrate of such court to hold an inquiry in respect of an offence which such court has jurisdiction to inquire into; or
- (f) On a written complaint made by a court under section 147.

(2) The written report under head (b), the warrant of the Attorney-General under head (e), and the written complaint under (f) of this section may be forwarded by post to the police court or delivered by hand to a magistrate of such court and shall form part of the proceedings.

(3) Except as herein provided no written complaint shall be entertained by a police magistrate.

Procedure to be
adopted by
magistrate on
receipt of
complaint or
information.

149 (1) In cases falling under head (a) of the last preceding section and when the report under (b) discloses an indictable offence the magistrate shall forthwith examine on oath the complainant or informant and if he thinks it advisable may also examine any other person and may for that purpose summon any person before him.

(2) In cases falling under head (b) of the last preceding section when the report discloses a summary offence only it.

shall not be necessary to examine the informant, but the magistrate may forthwith proceed to issue process in manner hereinafter provided.

(3) In cases falling under head (c) the magistrate shall before issuing process in manner hereinafter provided record a brief statement of the facts which constitute his means of knowledge or of the grounds of his suspicion as the case may be.

(4) In cases falling under head (d) the magistrate shall forthwith examine on oath the person who has brought the accused before the court and any other person who may be present in court able to speak to the facts of the case.

(5) In cases falling under heads (e) and (f) the magistrate shall forthwith on receipt of the warrant or complaint (if the accused be not already in custody before the court) issue process in manner hereinafter provided against the persons named in such warrant or complaint respectively.

(6) In cases where the offence complained of is one of rape, unnatural offence, or hurt of a serious nature or hurt whether serious or not alleged to have been caused by an instrument for stabbing or cutting, the magistrate shall cause the person who is alleged to have been the subject of such rape, unnatural offence, or hurt to be forthwith examined by a competent medical practitioner if he has not already been so examined.

150 (1) Where an examination is held under the last preceding section the examination shall be reduced into writing and after being read over by the magistrate and if need be interpreted to the person examined shall be signed by him and also by the magistrate and dated.

Examination
to be reduced to
writing.

(2) Such examination may if the magistrate thinks fit be held in private.

(3) Where the offence alleged is an indictable one the examination shall be held even although no person by name is accused of having committed the offence.

151 (1) If in the opinion of the magistrate there is after the examination held under the provisions of section 149 no sufficient ground for proceeding against the person accused (if any) or against any other person, he shall not issue a summons or warrant and the accused if in custody shall forthwith be discharged, but in such case the magistrate shall briefly record the reasons for such discharge and shall in every case record whether in his opinion any offence was in fact committed.

What to be
done after
examination.

(2) If in the opinion of the magistrate there is in any case mentioned in section 148, heads (a), (b), and (c), sufficient ground for proceeding against some person who is not in custody and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall subject to the provisions of section 62 issue a summons for the attendance of such person; or if the case appears to be one in which according to that column a warrant should issue in the first instance he shall issue a warrant for causing such

person to be brought or to appear at a certain time before a police court having jurisdiction, provided always that he may if he thinks fit issue a summons in the first instance instead of a warrant.

(3) The summons or warrant issued under sub-section (2) of this section shall contain a statement of the particulars of the offence charged and in the case of a summons shall require the accused to appear with his witnesses (if any) at a time and place therein specified to answer the charge therein set forth.

152 (1) Where the offence appears to be one not triable summarily by a police court the magistrate shall follow the procedure laid down in chapter XVI.

(2) Where the offence appears to be one triable summarily by a police court the magistrate shall follow the procedure laid down in chapter XVIII.

(3) Where the offence appears to be one triable by a district court and not summarily by a police court and the magistrate being also a district judge having jurisdiction to try the offence is of opinion that such offence may properly be tried summarily he may try the same summarily following the procedure laid down in chapter XVIII. and in that case he shall have jurisdiction to impose any sentence which a district court may lawfully impose.

In case of homicide magistrate to hold inquiry on spot.

153 If in a proceeding instituted under section 148 the case appear to be one of culpable homicide the magistrate shall, unless for reasons to be recorded by him he thinks it inexpedient, go to the spot where such offence appears to have been committed and if the accused be present before him shall proceed to hold such part of the inquiry directed by the next following chapter as may be necessary, and if the accused be not present shall hold the examination provided by section 149 (1) of such persons as may seem to him to be able to give material evidence.

In summons case personal attendance of accused may be dispensed with.

154 Whenever a magistrate issues a summons he may in his discretion dispense with the personal attendance of the accused and permit him to appear by a pleader; provided always that the magistrate may in his discretion at any stage of the proceedings direct the personal attendance of the accused and enforce his attendance in manner hereinbefore provided.

CHAPTER XVI.

Of the Inquiry into Cases which appear not to be triable summarily by Police Court, but triable by a Higher Court.

Magistrate to address accused and record his statement.

155 (1) When the accused appears or is brought before the police court the magistrate shall state to him the nature of the offence of which he is accused, giving such particulars as are necessary to explain the same, and shall address him as follows :

“I am prepared to hear any statement which you wish to make. Anything you say will be written down”

and will be read at your trial. You may give the names of any persons whom you wish to be summoned to give evidence and state what each can prove."

(2) Any statement made by the accused shall be recorded in manner provided by section 302.

156 (1) The magistrate shall then read over to the accused the evidence (if any) recorded under section 150 and take in manner hereinafter provided all such further evidence as may be given in support of the prosecution, whether called by the prosecutor or the magistrate.

(2) If such evidence does not establish a *prima facie* case of guilt, the magistrate shall discharge the accused.

(3) If such evidence establishes a *prima facie* case of guilt, the magistrate shall examine the accused as provided by section 295, recording such examination in manner provided by section 302, and shall then take all such evidence as may be produced on behalf of the accused.

(4) The magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the inquiry and recall and re-examine any person already examined.

(5) The accused shall be permitted to cross-examine any person whose evidence has been recorded under section 150 and all witnesses called for the prosecution or called or recalled by the magistrate.

(6) If the magistrate calls for other evidence than that produced for the prosecution, he shall briefly record what is the nature of the evidence called for.

157 (1) When the inquiry has been concluded the magistrate shall (a) if he finds that there are not sufficient grounds for committing the accused for trial discharge him, or (b) if he finds that there are sufficient grounds for committing the accused for trial forward the record to the Attorney-General, remanding the accused to custody or admitting him to bail as he thinks proper.

(2) A discharge under this section does not bar a further prosecution for the same offence.

(3) Nothing in this section shall be deemed to prevent the magistrate from discharging the accused at any previous stage of the case if for reasons (to be recorded by him) he considers the complaint to be groundless.

158 (1) As soon as the record has been received back from the Attorney-General then (a) if the Attorney-General directs that the accused be discharged he shall be forthwith discharged; (b) if the Attorney-General directs that the accused be committed for trial the magistrate shall commit the accused for trial to the court specified in that behalf by the Attorney-General; but (c) if the Attorney-General directs that further evidence be taken the magistrate shall obey such directions and then return the record to the Attorney-General.

Evidence previously taken to be read to accused and evidence for prosecution taken.

Conclusion of inquiry.

What to be done on receipt of record from Attorney-General.

(2) Where a committal is directed by the Attorney-General the indictment as settled and approved by the Attorney-General shall be read and explained to the accused and a copy thereof served on him.

Defendant's witnesses.

159 (1) The magistrate shall also at the same time require the accused to state orally there and then the names of the persons (if any) whom he wishes to be summoned to give evidence on his trial, distinguishing between those whom he proposes to call to speak to facts and those who are merely to speak to character.

(2) The accused may at any time before his trial give to the magistrate a further list of persons whom he wishes to give evidence on his behalf in such trial provided that such list be accompanied by a concise statement of the facts to be proved by such witnesses.

(3) The magistrate shall summon such of the witnesses named by the accused under sub-sections (1) and (2) as have not been already examined to appear before him and shall bind them over to give evidence at the trial, provided always that no such witness shall be summoned unless the magistrate has first satisfied himself that there are reasonable grounds for believing that the evidence of such witness is material and provided also that if he is not so satisfied he may refuse to summon the witness (recording his reasons for such refusal) or may before summoning him require such sum to be deposited as such magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Accused to elect panel.

160 Before committing the accused for trial before the Supreme Court the magistrate shall ask the accused to elect from which of the respective panels of jurors the jury shall be taken for the trial and shall record such election if made. The accused so electing shall be bound by and may be tried according to his election subject however in all cases to the provisions of section 224.

Examination of supplementary witnesses.

161 (1) The magistrate may after commitment and before the commencement of the trial summon and examine supplementary witnesses including any witnesses named under section 159 who have not been already examined, and bind them over to appear and give evidence at the trial.

(2) It shall not be necessary for the accused to be present at such examination, but a copy of all evidence taken in the absence of the accused shall be forthwith delivered to him.

Material witnesses to be bound to appear.

162 (1) When the magistrate commits the accused for trial he shall require every material witness for the prosecution or defence who has appeared before him and given evidence and has not already been bound over under the next following sub-section to appear before a higher court to execute a bond with or without sureties for his appearance to give evidence at the trial; and for the like purpose it shall be lawful for any magistrate who examines any witness on commission under the provisions hereinafter

contained to require such witness so examined to execute a bond with or without sureties as such magistrate may determine.

(2) The magistrate may at any stage of the inquiry require any witness to execute such bond as in the last sub-section mentioned for appearance at any future stage of the proceedings either in that court or in the higher court, in case the accused be committed for trial. It shall not be necessary to specify such higher court in the bond, but the obligor shall be bound on receiving reasonable notice to attend at the trial in whatever court the accused may be tried.

(3) If a witness refuses or neglects to execute such bond the magistrate may commit him to prison until such bond is duly executed or until the trial, when he shall be sent in custody to the court of trial.

(4) The magistrate shall endorse on the warrant of committal the names of all persons who have been bound over to give evidence at the trial or who having refused to be bound over have been committed to prison.

(5) Every person who executes such bond shall give to the magistrate an address at which all notices respecting the further proceedings in the case may be left for him, and any notice left at such address for him shall (until the contrary be proved) be deemed to have been received by him.

163 The magistrate shall if the accused is committed for trial record whether the accused is on bail or in custody and certify under his hand the record of the inquiry.

Magistrate to certify record.

164 When the accused has been committed for trial he shall, if he demands it at a reasonable time before the trial, be furnished by the officer in charge of the record with a copy of the record or of any part thereof on payment of ten cents for a hundred words.

Accused may have copy of evidence.

165 (1) When the magistrate commits the accused for trial he shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant to the custody of the fiscal of the province until and during the trial and shall forthwith transmit the record of the inquiry together with all documents produced in evidence to the court of trial. All productions other than documentary evidence shall be forwarded to the fiscal to be produced by him at the trial.

Record to be forwarded to court of trial and productions to fiscal.

(2) The magistrate shall forthwith after committing the accused for trial notify such committal in the case of committals to the Supreme Court to the registrar and in the case of committals to a district court to the judge of such court.

166 (1) If the offence being inquired into is within the jurisdiction of a district court and the magistrate thinks it expedient so to do having regard to the character and antecedents of the accused, the nature of the offence, and all the circumstances of the case, he may if the accused when informed of his right to be tried by a district court consents to be tried by the magistrate try the case accordingly, and the provisions of chapter XVIII. shall apply to such trial.

Offences triable by a district court may be tried summarily with consent of accused.

(2) A magistrate trying an accused under this section shall have power to award such accused, if found guilty of the offence charged, both or either of the punishments following, (that is to say) imprisonment of either description for a term not exceeding twelve months and fine not exceeding two hundred rupees, or if the accused be under sixteen years of age may order him to be whipped either without or in addition to one of the said punishments.

(3) For the purpose of proceeding under this section the magistrate, when during the hearing of the case he becomes satisfied by the evidence that it is expedient to deal with the case under this section, shall frame a charge and read and explain the same to the accused and say to him "Do you desire to be tried by a district court or do you consent to be tried by me?" with a statement for the information of the accused, where he is not represented by a pleader, of the difference between trial by a district court and trial by a police court.

CHAPTER XVII.

Of the Charge.

Charge to state offence.

167 (1) Every charge under this Code shall state the offence with which the accused is charged.

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as will give the accused notice of the matter with which he is charged.

(4) The law and section of the law under which the offence said to have been committed is punishable shall be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

(6) The charge shall when it is preferred, whether at the inquiry preliminary to committal for trial or at the trial, be read to the accused in a language which he understands.

(7) If the accused has been previously convicted of any offence and it is intended to prove such previous conviction for the purpose of increasing the punishment which the court is competent to award, the fact, date, and place of the previous conviction shall be stated in the indictment.

(8) If such statement is omitted the court may add it at any time before sentence is passed.

Illustrations.

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 293 and 294 of the Penal Code; that it did

not fall within any of the general exceptions of the same Code ; and that it did not fall within any of the four exceptions to section 294, or that if it did fall within exception 1 one or other of the three provisoes to that exception applied to it.

- (b) A is charged under section 317 of the Penal Code with voluntarily causing grievous hurt to B by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 326 of the Penal Code and that the general exceptions did not apply to it.
- (c) A is accused of murder, cheating, theft, extortion, criminal intimidation, or using a false property-mark. The charge may state that A committed murder or cheating or theft or extortion or criminal intimidation or that he used a false property-mark, without reference to the definitions of those crimes contained in the Penal Code.
- (d) A is charged under section 182 of the Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

168 The charge shall contain such particulars as to the time and place of the alleged offence and as to the person (if any) against whom and as to the thing (if any) in respect of which it was committed as are reasonably sufficient to give the accused notice of the matter with which he is charged and to show that the offence is not prescribed.

Particulars as to time place and person.

169 When the nature of the case is such that the particulars mentioned in the last two preceding sections do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

- (a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.
- (b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.
- (c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.
- (d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.
- (e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.
- (f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

170 In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Words taken in sense of law under which offence is punishable.

171 No error in stating either the offence or the particulars required to be stated in the charge and no omission to state the offence or those particulars shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

- (a) A is charged under section 237 of the Penal Code with "having been in possession of counterfeit coin having known at the time when he became possessed thereof that such coin was counterfeit" the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission the error shall not be regarded as material.
- (b) A is charged with cheating B and the manner in which he cheated B is not set out in the charge or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The court may infer from this that the omission to set out the manner of the cheating is not material.
- (c) A is charged with cheating B and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B and A had no means of knowing to which of them the charge referred and offered no defence. The court may infer from such facts that the omission to set out the manner of the cheating was in this case material.

Court may alter charge.

172 (1) Any court may alter any indictment or charge at any time before judgment is pronounced or in the case of trials before the Supreme Court or a district court with assessors before the verdict of the jury is returned or the opinions of the assessors are expressed.

(2) Every such alteration shall be read and explained to the accused.

(3) The substitution of one charge for another in an indictment or the addition of a new charge to an indictment and in a police court the substitution of one charge for another shall be deemed to be an alteration of such indictment or charge within the meaning of this section.

When trial may proceed on altered charge immediately.

173 If the alteration made under the last preceding section is such that proceeding immediately with the trial is not likely in the opinion of the court to prejudice the accused in his defence or the prosecutor in the conduct of the case, the court may in its discretion after such alteration has been made proceed with the trial as if the altered indictment or charge had been the original indictment or charge.

When new trial may be directed or trial adjourned.

174 If the alteration made under section 172 is such that proceeding immediately with the trial is likely in the opinion of the court to prejudice the accused or the prosecutor as aforesaid, the court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge requires previous sanction.

175 If the indictment or charge as altered under section 172 alleges an offence for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained unless sanction has been already obtained for a prosecution on the same facts as those on which the altered indictment or charge is founded.

Recall of witnesses when charge altered.

176 Whenever an indictment or charge is altered by the court after the commencement of the trial the prosecutor and the accused shall be allowed to re-call or re-summon and examine with reference to such alteration any witness who may have been examined.

177 (1) If the Supreme Court in the exercise of its powers of appeal or revision is of opinion that any person convicted of an offence was misled in his defence by an error in the indictment or charge, it shall direct a new trial to be had upon a charge or indictment framed in whatever manner it thinks fit.

Effect of material error.

(2) If such court is of opinion that the facts of the case are such that no valid charge can be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 193 of the Penal Code upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the court thinks it probable that A had such knowledge and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge it shall quash the conviction.

Joinder of Charges.

178 For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately except in the cases hereinafter in this chapter mentioned.

Separate charges for separate offences.

Illustration.

A is accused of a theft on one occasion and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

179 (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences he may be charged with and tried at one trial for any number of them not exceeding three and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Three offences of same kind within a year may be charged together.

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any special or local law.

180 (1) If in one series of acts so connected together as to form the same transaction more offences than one are committed by the same person he may be charged with and tried at one trial for every such offence and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Trial for more than one offence.

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished the person accused of them may be charged with and tried at one trial for each of such offences and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Offence falling within two definitions.

(3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence the person accused of them may be charged with and tried at one trial for the offence

Acts constituting one offence but constituting another offence when combined.

constituted by such acts when combined and for any offence constituted by any one or more of such acts, and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

(4) Nothing contained in this section shall affect section 67 of the Penal Code.

Illustrations.

To sub-section (1).

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with and tried for offences under sections 220 and 324 of the Penal Code.

(b) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 455 of the Penal Code. A may be separately charged with and convicted of the possession of each seal under section 461 of the Penal Code.

(c) A with intent to cause injury to B institutes a criminal proceeding against him knowing that there is no just or lawful ground for such proceeding, and also falsely accuses B of having committed an offence knowing that there is no just or lawful ground for such accusation. A may be separately charged with and convicted of two offences under section 208 of the Penal Code.

(d) A with intent to cause injury to B falsely accuses him of having committed an offence knowing that there is no just or lawful ground for such accusation. On the trial A gives false evidence against B intending thereby to cause B to be convicted of a capital offence. A may be separately charged with and convicted of offences under sections 208 and 191 of the Penal Code.

(e) A with six others commits the offences of rioting grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with and convicted of offences under sections 144, 316, and 149 of the Penal Code.

(f) A threatens B, C, and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with and convicted of each of the three offences under section 486 of the Penal Code.

The separate charges referred to in illustrations (a) to (f) respectively may be tried at one trial and included in one and the same indictment.

To sub-section (2).

(g) A wrongfully strikes B with a cane. A may be separately charged with and convicted of offences under sections 343 and 314 of the Penal Code.

(h) Several stolen sacks of corn are made over to A and B who know they are stolen property for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with and convicted of offences under sections 394 and 396 of the Penal Code.

(i) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with and convicted of offences under sections 308 and 297 of the Penal Code.

(j) A dishonestly uses a forged document as genuine evidence in order to convict B, a public servant, of an offence under section 163 of the Penal Code. A may be separately charged with and convicted of offences under sections 459 (read with 455) and 193 of the same Code.

To sub-section (3).

(k) A commits robbery on B and in doing so voluntarily causes hurt to him. A may be separately charged with and convicted of offences under sections 314, 380, and 382 of the Penal Code.

181 If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with all or any one or more of such offences and any number of such charges may be tried at one trial and in a trial before the Supreme Court or a district court may be included in one and the same indictment; or he may be charged with having committed one of the said offences without specifying which one.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to theft or receiving stolen property or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust, and cheating or he may be charged with "having committed one of the following offences, to wit, theft, receiving stolen property, criminal breach of trust, and cheating."

182 If in the case mentioned in the last preceding section the accused is charged with one offence and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

When a person is charged with one offence he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be) though he was not charged with such offence.

183 (1) When a person is charged with an offence consisting of several particulars a combination of some only of which constitutes a complete minor offence and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence though he was not charged with it.

When offence proved included in offence charged.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence he may be convicted of the minor offence although he was not charged with it.

(3) Nothing in this section shall be deemed to authorize a conviction for any offence referred to in section 147 when no complaint has been made as required by that section.

Illustrations.

(a) A is charged under section 390 of the Penal Code with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 389 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 389.

(b) A is charged under section 316 of the Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 326 of that Code.

All persons concerned in committing an offence may be charged together.

184 When more persons than one are accused of jointly committing the same offence or of different offences committed in the same transaction or when one person is accused of committing any offence and another of abetment of or attempt to commit such offence, they may be charged and tried together or separately as the court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

- (a) A and B are accused of the same murder. A and B may be indicted and tried together for the murder.
- (b) A and B are accused of a robbery in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on an indictment charging both of them with the robbery and A alone with the murder.
- (c) A and B are both charged with a theft and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge charging both with the one theft and B alone with the other two thefts.
- (d) A and B are accused of being members of opposing factions in a riot. They should be indicted and tried separately.
- (e) A and B are accused of giving false evidence in the same proceeding. They should be indicted and tried separately.

When conviction on one charge remaining charges may be withdrawn.

185 (1) When more charges than one are made against the same person and when a conviction has been had on one or more of them the officer conducting the prosecution may with the consent of the court withdraw the remaining charge or charges or the court of its own accord may stay the inquiry into or trial of such charge or charges.

(2) Such withdrawal shall have the effect of an acquittal on such charge or charges unless the conviction be set aside, in which case the said court (subject to the order of the court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Charges to be brought in name of Attorney-General.

186 (1) All indictments upon which persons are tried before the Supreme Court or a district court shall be brought in the name of the Attorney-General and be in accordance with the prescribed form and shall be signed by the Attorney-General or the Solicitor-General or a Crown Counsel or by some advocate generally or specially authorized by the Attorney-General in that behalf, and in the latter case the words "By authority of Her Majesty's Attorney-General" shall be prefixed to the signature.

(2) Every indictment shall contain a list of the witnesses which the prosecution intends to call at the trial and another list of all documents and things intended to be produced at the trial, which documents and things are herein called "productions."

(3) The proceedings shall not abate or determine by reason of the death or removal from office of the Attorney-General.

CHAPTER XVIII.

The Trial of Cases where a Police Court has power to try summarily.

187 (1) Where the accused is brought before the court otherwise than on a summons or warrant the magistrate shall after the examination directed by section 149 (4), if he does not discharge the accused under section 150 (4), frame a charge against the accused.

Particulars of case to be stated to accused.

(2) In cases where the accused appears on summons or warrant it shall not be necessary to frame a charge, but the statement of the particulars of the offence contained in the summons or warrant shall be deemed to be the charge and the provisions of this Code as to the amendment and alteration of charges shall apply to the same accordingly.

(3) The magistrate shall read such charge or statement, as the case may be, to the accused and ask him if he has any cause to show why he should not be convicted.

188 (1) If the accused upon being asked if he has any cause to show why he should not be convicted makes a statement which amounts to an unqualified admission that he is guilty of the offence of which he is accused, his statement shall be recorded as nearly as possible in the words used by him; and the magistrate shall record a verdict of guilty and pass sentence upon him according to law and shall record such sentence.

Admission of offence by accused.

(2) If the accused does not make such statement the magistrate shall ^{ask him} if he is ready for trial and (a) if the accused replies that he is ready for trial shall proceed to try the case in manner hereinafter provided, but (b) if the accused replies that he is not ready for trial by reason of the absence of witnesses or otherwise the magistrate shall, subject to the provisions of sub-section (5) of section 289, either postpone the trial to a day to be then fixed or proceed forthwith to try the case in manner hereinafter provided.

189 (1) When the magistrate proceeds to try the accused he shall read over to him the evidence (if any) recorded under section 150 and take in manner hereinafter provided all such further evidence as may be produced for the prosecution or defence respectively.

Procedure on trial.

(2) The accused shall be permitted to cross-examine any person whose evidence has been recorded under section 150 and all witnesses called for the prosecution and called or re-called by the magistrate.

(3) The complainant or his pleader shall not be entitled to make any observations in reply upon the evidence given by or on behalf of the accused.

190 If the magistrate after taking the evidence for the prosecution and defence and such further evidence (if any) as he may of his own motion cause to be produced finds the accused not guilty, he shall forthwith record a verdict of acquittal. If he finds the accused guilty he shall forthwith record a verdict of guilty and pass sentence upon him according to law and shall record such sentence.

Verdict.

Power to magistrate to discharge accused at any time.

191 Nothing hereinbefore contained shall be deemed to prevent a police magistrate from discharging the accused at any previous stage of the case, but he shall record his reasons for doing so.

Commitment for trial before higher court.

192 (1) If the magistrate after taking the evidence adduced for the prosecution and the defence is of opinion that the accused is guilty of an offence which cannot be adequately punished by a police court, he shall not convict the accused but shall forward the record to the Attorney-General, remanding the accused to custody or admitting him to bail, as he thinks proper.

(2) The Attorney-General may on receipt of the record exercise any of the powers vested in him by section 158 (1) or may send the record back to the police court with directions to the magistrate to proceed with the trial, and the case shall thereafter be dealt with accordingly.

What to be done when different offence disclosed in course of proceedings.

193 (1) If from the facts admitted or proved it appears that the accused has committed an offence within the jurisdiction of the magistrate to try other than that specified in the charge, summons, or warrant, the magistrate may convict the accused of such offence, but before he so convicts he shall frame a charge and shall read and explain it to the accused, and such of the provisions of chapter XVII. as relate to altered charges shall apply to the charge framed under this section.

(2) If from the facts admitted or proved it appears at any stage of the proceedings that the accused has committed an offence not within the jurisdiction of the magistrate to try, the magistrate shall not convict but shall stay further proceedings under this chapter and commence the proceedings afresh under chapter XVI.

Accused may be acquitted in the absence of complainant.

194 If the summons has been issued on complaint under section 148 (1) (a) and upon the day and hour appointed for the appearance of the accused or at any time to which the hearing may be adjourned the complainant does not appear, the magistrate shall notwithstanding anything hereinbefore contained discharge the accused unless for some reason he thinks proper to adjourn the hearing of the case to some other hour or day, and may in addition make an order for payment by the complainant of Crown costs as hereinafter provided.

Withdrawal of charge by complainant.

195 If a complainant at any time before judgment is given in any case under this chapter satisfies the magistrate that there are sufficient grounds for permitting him to withdraw the case, the magistrate may permit him to withdraw the same and shall thereupon discharge the accused, but he shall record his reasons for doing so.

Accused may be discharged by magistrate with sanction of Attorney-General.

196 In any case instituted under this chapter otherwise than upon a complaint under section 148 (1), heads (a) (c) and (d), the magistrate may with the previous sanction of the Attorney-General for reasons to be recorded by the magistrate stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon discharge the accused.

197 (1) If in any case instituted on complaint under section 148 (1) (a) which a police court has power to try a magistrate acquits or discharges the accused and is of opinion that the complaint was frivolous or vexatious, he may at the same time order the complainant to pay to the accused, or to each of the accused when there are more than one, such compensation not exceeding ten rupees to each person as the magistrate shall think fit, which sum if paid or recovered shall be taken into account in any subsequent civil suit relating to the same matter.

Frivolous or vexatious complaints.

(2) If any case referred to in sub-section (1) of this section the complaint is declared by the magistrate to have been frivolous or vexatious, it shall be lawful for such magistrate to order the complainant to pay by way of Crown costs a sum not exceeding five rupees.

(3) Any sum awarded under this section shall be recoverable as if it were a fine and if it cannot be recovered the imprisonment to be awarded shall be simple and for such term, not exceeding in the case of a sum awarded by way of compensation thirty days and in the case of a sum awarded by way of Crown costs fourteen days, as the magistrate directs at the time of awarding such sum.

(4) Before making any such order the magistrate shall record and consider any objection which the complainant may urge against the making of the order, and if he makes such order he shall record his reasons for making the same

198 No appeal shall lie against any order for payment of Crown costs made under the last preceding section.

No appeal.

199 The Attorney-General, the Solicitor-General, a Crown Counsel, or a pleader generally or specially authorized by the Attorney-General shall be entitled to appear and conduct the prosecution in any case tried under this chapter, but in the absence of the Attorney-General, the Solicitor-General, a Crown Counsel, and any such pleader as aforesaid the complainant or any officer of any Government department or any officer of any municipality or local board may appear in person or by pleader to prosecute in any case in which such complainant or Government department or municipality or local board is interested.

By whom prosecutions under this chapter may be conducted.

CHAPTER XIX.

Trials by District Court.

200 Trials before a district court shall be before a district judge alone or aided by assessors.

Trials before district court to be by judge or with assessors.

201 In every trial before a district court the prosecution shall be conducted by the Attorney-General or the Solicitor-General or a Crown Counsel or by some pleader generally or specially authorized by the Attorney-General in that behalf.

By whom trials before district court to be conducted.

Attorney-General may withdraw prosecution.

202 The Attorney-General may at any time before the verdict is recorded withdraw any indictment and the prosecuting counsel may also with the permission of the district judge at any time before the verdict is recorded withdraw any indictment, and thereupon all proceedings thereon shall be stayed and the accused shall be discharged.

Indictment.

203 (1) If the case comes before the court on the committal of a police court the accused shall be arraigned on the indictment served on him as provided by section 158.

In case of transfer indictment to be framed upon the evidence.

(2) If the case comes before the court from a police court by virtue of an order of transfer made by the Supreme Court the indictment shall be framed upon the facts disclosed in the examination of the complainant or informant, and the evidence taken in the case and a copy of such indictment shall be served on the accused.

Commencement of Trial.

Arraignment of accused.

204 When the court is ready to commence the trial the accused shall appear or be brought before it and the indictment shall be read and explained to him and he shall be asked whether he is guilty or not guilty of the offence charged.

Plea of guilty.

205 If the accused pleads guilty and it appears to the satisfaction of the judge that he rightly comprehends the effect of his plea, the plea shall be recorded on the indictment and he may be convicted thereon.

Refusal to plead or plea of not guilty.

206 If the accused does not plead or if he pleads not guilty, he shall be tried.

Choosing Assessors.

Assessors to be chosen and sworn.

207 When the trial is to be held with the aid of assessors two or more shall be chosen, as the district judge thinks fit, from the persons summoned to act as such and shall be duly sworn as jurors are sworn.

Counsel to open his case and call witnesses.

208 (1) The trial shall commence by the prosecuting counsel stating his case to the court.

(2) The witnesses for the prosecution shall then be examined.

Accused's statement to be put in.

209 All statements of the accused recorded in the course of the inquiry in the police court shall be put in and read in evidence before the close of the case for the prosecution.

Court may acquit without calling for defence; or call for defence.

210 When the case for the prosecution is closed, if the district judge wholly discredits the evidence on the part of the prosecution or is of opinion that such evidence fails to establish the commission of the offence charged against the accused in the indictment or of any other offence of which he might be convicted on such indictment, he shall record a verdict of acquittal; if however the district judge considers that there are grounds for proceeding with the trial he shall call upon the accused for his defence.

Accused may make his defence.

211 The accused or his pleader may then enter upon his defence and may examine his witnesses (if any) and the accused person or his pleader may then sum up his case.

212 If any evidence is adduced on behalf of the accused the prosecuting counsel shall be entitled to reply and with the leave of the district judge to call witnesses in rebuttal.

When prosecuting counsel entitled to reply.

213 (1) When the cases for the prosecution and the defence are concluded the district judge may sum up the evidence for the prosecution and defence; and in a case tried with the aid of assessors he shall do so and shall require each of the assessors to state his opinion orally and shall record such opinion.

Judge to sum up evidence.

(2) The district judge shall not be bound to conform to the opinion of the assessors.

214 (1) When the cases for the prosecution and defence are concluded and the assessors' opinion, if the trial has been with the aid of assessors, has been recorded the district judge shall forthwith or within not more than twenty-four hours record a verdict of acquittal or conviction.

And to pass judgment.

(2) If the accused person is convicted the district judge shall pass sentence on him according to law.

215 (1) If in the course of a trial with the aid of assessors at any time before the finding any assessor is from any sufficient cause prevented from attending throughout the trial or absents himself and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

In case of absence of an assessor.

(2) If all the assessors are prevented from attending or absent themselves the proceedings shall be stayed and a new trial shall be held with the aid of fresh assessors.

(3) The provisions of section 239 with regard to trial by jury in the Supreme Court shall apply to trials with the aid of assessors in the district courts.

CHAPTER XX.

Trials before the Supreme Court.

A.—Preliminary.

216 (1) All trials before the Supreme Court shall be by jury before a judge or a commissioner of assize, provided always that the Chief Justice may in his discretion order that any trial shall be a trial at bar and thereupon such trial shall be held at Colombo by jury before three judges.

Trials before Supreme Court.

(2) In every trial before the Supreme Court the prosecution shall be conducted by the Attorney-General or the Solicitor-General or a Crown Counsel or by some advocate generally or specially authorized by the Attorney-General in that behalf.

217 (1) At any stage of a trial before the Supreme Court under this Code before the return of the verdict the Attorney-General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the accused upon the indictment or any charge therein, and thereupon all proceedings on such indictment or charge as the case may be against the accused shall be stayed and he shall be discharged of and from the same.

Discontinuance of prosecution.

(2) The information under this section may either be oral or in writing under the hand of the Attorney-General.

(3) The prosecuting counsel may with the consent of the presiding judge at any stage of the trial before the return of the verdict withdraw the indictment or any charge therein and thereupon all proceedings on such indictment or charge as the case may be against the accused shall be stayed and he shall be discharged of and from the same.

Indictment.

218 (1) If the case comes before the court on the committal of a police court the accused shall be arraigned on the indictment served upon him as provided by section 158.

(2) If the case comes before the Court by virtue of an order of the Supreme Court of transfer from another court the indictment shall be framed upon the facts disclosed in the complaint or information and the evidence taken in the case and a copy of such indictment shall be served on the accused.

B.—Commencement of Trial.

Arraignment of accused.

219 When the court is ready to commence the trial the accused shall appear or be brought before it and the indictment shall be read and explained to him and he shall be asked whether he is guilty or not guilty of the offence charged.

Plea of guilty may be recorded and accused convicted thereon.

220 If the accused pleads guilty the plea shall be recorded on the indictment and he may be convicted thereon: Provided that when the indictment so pleaded to is one of murder the judge may refuse to receive the plea and cause the trial to proceed in like manner as if the accused person had pleaded not guilty.

Refusal to plead and plea of not guilty.

221 (1) If the accused does not plead or if he pleads not guilty jurors shall be chosen to try the case as hereinafter provided.

(2) If the accused pleads not guilty but states that he is willing to plead guilty to a lesser offence for which he might have been convicted on that indictment and the prosecuting counsel is willing to accept such plea, the judge may if he thinks that the interests of justice will be satisfied by so doing order such plea of guilty to be recorded and may pass judgment thereon accordingly, and thereupon the accused shall be discharged of the offence laid in the indictment and such discharge shall amount to an acquittal.

Special jury may be summoned.

222 (1) The prosecuting counsel or the accused may apply to any judge of the Supreme Court for an order requiring a special jury to be summoned to try any case; and the judge shall if he considers such application just and reasonable make an order accordingly.

(2) Such application except when made by the Attorney-General, Solicitor-General, or Crown Counsel shall be supported by affidavit.

C.—Choosing a Jury.

Number of jury and quorum for verdict.

223 (1) The jury shall consist of seven persons.

(2) Where the verdict returned is for an offence punishable with death the verdict shall be unanimous or by a majority of six to one.

(3) In other cases the verdict may be by a majority of not less than five to two.

224 (1) The jury shall be taken from the panel elected by the accused unless the court otherwise directs.

Empanelling of jury.

(2) The jury shall be chosen by lot from the panel.

(3) As each juror is chosen his name shall be called and upon his appearance the accused shall be asked by the registrar if he objects to be tried by such juror.

(4) Objections without grounds stated shall be allowed to the number of two on behalf of the person or all the persons charged.

(5) On the suggestion of the prosecuting counsel without grounds of objection stated any number of jurors called may be ordered by the judge to stand by until the names of all the jurors summoned and then available for service on the jury have been gone through.

(6) If such names have been gone through without a jury having been made up the names of each of those so ordered to stand by shall be called again and the prosecuting counsel shall be called upon to state the grounds of objection (if any) under the next following section.

(7) If there shall not be a sufficient number of jurors present unchallenged the jury may be made up from such of the bystanders as are not by law disqualified from serving as jurors. Any such bystander shall if called upon be legally bound to serve as a juror.

225 Any objection taken to a juror on any of the following grounds if made out to the satisfaction of the court shall be allowed :

Grounds of objection.

- (a) Some presumed or actual partiality in the juror ;
- (b) Some personal ground such as deficiency in the qualification required by any law or rule having the force of law for the time being in force ;
- (c) His executing any duties of police or being entrusted with police duties ;
- (d) His having been convicted of any offence which in the opinion of the judge renders him unfit to serve on the jury ;
- (e) His inability to understand the language of the panel from which the jury is drawn ;
- (f) Any other circumstance which in the opinion of the judge renders him improper as a juror.

226 (1) Every objection taken to a juror shall be decided by the judge and such decision shall be recorded and be final.

Decision of objection.

(2) If the objection is allowed the place of such juror shall be supplied by any other juror chosen in manner hereinafter provided.

227 (1) When the jurors have been chosen the registrar shall address them in the following words :—" Gentlemen of the Jury, choose your foreman," and they shall thereupon proceed to do so.

Foreman of jury.

(2) If a majority of the jury do not within such time as the judge thinks reasonable agree in the appointment of a foreman he shall be appointed by the judge.

(3) When the foreman has been appointed the jurors shall be sworn.

Duties of foreman.

228 The foreman shall preside in the debates of the jury ask any information from the judge that is required by the jury or any of the jurors and deliver the verdict of the jury.

Procedure where juror ceases to attend, &c.

229 If in the course of a trial by jury at any time before the return of the verdict any juror from any sufficient cause is prevented from attending throughout the trial or if any juror absents himself and it is not practicable to enforce his attendance or if it appears that any juror is unable to understand the language in which the evidence is given or when such evidence is interpreted the language in which it is interpreted, the judge may either order a new juror to be added or discharge the jury and order a new jury to be chosen.

Discharge of jury in case of sickness of prisoner.

230 The judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar and whenever in the opinion of the judge the interests of justice so require.

D.—Trial to close of Case for Prosecution and Defence.

Registrar to read indictment to jury.

231 As soon as the jury have been sworn the registrar shall in the hearing of the accused read the indictment to the jury and shall inform them that it is their duty to listen to the evidence and upon that evidence to find by their verdict whether or not the accused is guilty of the charge or any of the charges if more than one laid against him in the indictment.

Opening of case for prosecution.

232 The prosecuting counsel shall then open his case by stating shortly the nature of the offence charged and the evidence by which he proposes to prove the guilt of the accused and shall then examine his witnesses.

Statements by prisoner to be put in.

233 All statements of the accused recorded in the course of the inquiry in the police court shall be put in and read in evidence before the close of the case for the prosecution.

Procedure after examination of witnesses for prosecution.

234 (1) When the case for the prosecution is closed, if the judge considers that there is no evidence that the accused committed the offence he shall direct the jury to return a verdict of "not guilty."

(2) If the judge considers that there is evidence that the accused committed the offence he shall ask him or his pleader if he means to adduce evidence.

(3) If the accused or his pleader announces his intention not to adduce evidence the prosecuting counsel may address the jury a second time in support of his case for the purpose of summing up the evidence against the accused.

Defence.

235 The accused or his pleader may then open his case, stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution. He may then call his witnesses and after they have given evidence may sum up his case.

236 The accused shall be allowed to examine any witness not previously named by him if such witness is in attendance.

Right of accused as to examination and summoning of witnesses.

237 (1) The prosecuting counsel may by leave of the judge call witnesses in rebuttal.

Witnesses in rebuttal and reply.

(2) The prosecuting counsel shall be entitled to reply on any evidence given by or on behalf of the accused.

238 (1) Whenever the judge thinks that the jury should view the place in which the offence charged is alleged to have been committed or any other place in which any other transaction material to the trial is alleged to have occurred the judge shall make an order to that effect ; and the jury shall be conducted in a body under the care of an officer of the court to such place which shall be shown to them by a person appointed by the judge.

View by jury of place where offence committed.

(2) Such officer shall not except with the permission of the judge suffer any other person to speak to or hold any communication with any of the jury ; and unless the court otherwise directs they shall when the view is finished be immediately conducted back into court.

239 If a juror is personally acquainted with any relevant fact it is his duty to inform the court that such is the case, whereupon he may be sworn and examined in the same manner as any other witness.

When juror may be examined.

240 If a trial is adjourned the jury shall attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Jury to attend an adjourned sitting.

241 (1) It shall not be necessary in any case to keep the jury together during any adjournment previous to the close of the judge's summing up, but it shall be lawful for the judge if it should appear to him to be advisable in the interests of justice in any trial to require the jury to be kept together during any adjournment.

When jury may be kept together.

(2) Where the jury is allowed to separate during the course of any trial the jurors may be first sworn not to hold communication with any person other than a fellow juror upon the subject of the trial during such separation ; and

(3) If any such juror shall hold any such communication with any person other than a fellow juror or if any person other than a fellow juror shall hold any such communication with any such juror, such juror or person as the case may be shall be deemed to be guilty of a contempt of court and shall be punishable accordingly.

242 The judge may if he thinks fit order reasonable refreshment to be procured for the jury by the fiscal at the public expense at any time during which they may be kept together either before or after the judge has summed up.

Judge may allow jurors refreshment.

E.—Conclusion of Trial.

243 When the case for the defence and the prosecuting counsel's reply (if any) are concluded the judge shall charge the jury summing up the evidence and laying down the law by which the jury are to be guided.

Charge to jury.

Duty of judge.

244 (1) It is the duty of the judge—

- (a) To decide all questions of law arising in the course of the trial and especially all questions as to the relevancy of facts which it is proposed to prove and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties, and in his discretion to prevent the production of inadmissible evidence whether it is or is not objected to by the parties ;
 - (b) To decide upon the meaning and construction of all documents given in evidence at the trial ;
 - (c) To decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given ;
 - (d) To decide whether any question which arises is for himself or for the jury.
- (2) The judge may if he thinks proper in the course of his summing up express to the jury his opinion upon any question of fact or upon any question of mixed law and fact relevant to the proceeding.

Illustrations.

- (a) It is proposed to prove a statement made by a person not being a witness in the case on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the judge and not for the jury to decide whether the existence of those circumstances has been proved.

- (b) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the judge to decide whether the original has been lost or destroyed.

Duty of jury.

245 It is the duty of the jury—

- (a) To decide which view of the facts is true and then to return the verdict which under such view ought according to the direction of the judge to be returned ;
- (b) To determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine whether such words occur in documents or not ;
- (c) To decide all questions which according to law are to be deemed questions of fact ;
- (d) To decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the judge to decide their meaning.

Illustrations.

- (a) A is tried for the murder of B.

It is the duty of the judge to explain to the jury the distinction between murder and culpable homicide and to tell them under what views of the facts A ought to be convicted of murder or of culpable homicide or to be acquitted.

It is the duty of the jury to decide which view of the facts is true and to return a verdict in accordance with the direction of the judge, whether that direction is right or wrong and whether they do or do not agree with it.

(b) The question is whether a person entertained a reasonable belief on a particular point—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

246 (1) After the summing up the jury may retire to consider their verdict.

Jury may retire.

(2) If the jury retire they shall be committed to the charge of an officer of the court who shall first take an oath in the prescribed form.

(3) Except with the leave of the judge no person other than a member of the jury shall speak to or hold any communication with any member of such jury.

247 (1) When the jury are ready to give their verdict and are all present the registrar shall ask the foreman if they are unanimous.

When jury ready to give verdict.

(2) If the jury are not unanimous the judge shall require them to retire for further consideration.

(3) After further consideration for such time as the judge considers reasonable or if in the first instance the foreman says that they are unanimous the registrar shall say (the jurors being all present): "Do you find the accused person (naming him) guilty or not guilty of the offence (naming it) with which he is charged?"

(4) On this the foreman shall state what is the verdict of the jury.

248 (1) Unless otherwise ordered by the judge the jury shall return a verdict on all the charges on which the accused is tried and the judge may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge.

(2) If the judge does not approve of the verdict returned by the jury he may direct them to reconsider their verdict, and the verdict given after such reconsideration shall be deemed to be the true verdict.

249 (1) The registrar shall make an entry of the verdict on the indictment and shall then say to the jury the words following or words to the like effect:

Entry and signing of verdict.

"Gentlemen of the jury: attend whilst your foreman signs your verdict. The finding of you (or of so many of you as the case may be) is that the prisoner A B is guilty" (or "not guilty").

(2) The foreman shall sign the verdict so entered and the verdict when so entered and signed, but not before, shall be final.

(3) When by accident or mistake a wrong verdict is delivered the jury may before it is signed amend the verdict.

250 If the jury or the required majority of them cannot agree the judge shall after the lapse of such time as he thinks reasonable discharge them.

Discharge of jury when they cannot agree.

251 If the accused is convicted the judge shall either forthwith or before the close of the sessions pass judgment on him according to law. Provided always that if it appears to the judge expedient the judge instead of pronouncing judgment may direct that the accused be released on his entering into a bond, with or without sureties and during such period as the judge may direct, to appear and receive judgment if and when called upon and in the meantime to keep the peace and be of good behaviour.

Judgment in case of conviction.

F.—*Re-trial of Accused after discharge of Jury.*

Retrial of accused.

252 Whenever the jury is discharged the accused shall be detained in custody or released on bail as the judge may think fit and tried by another jury.

G.—*Procedure in case of Previous Conviction.*

Procedure in case of previous conviction.

253 (1) In the case of a trial by jury or with the aid of assessors where the accused is charged with an offence committed after a previous conviction for any offence, the procedure hereinbefore laid down shall be modified as follows:—

- (a) The part of the indictment stating the previous conviction shall not be read out in Court nor shall the accused be asked whether he has been previously convicted as alleged in the charge unless and until he has either pleaded guilty to or been convicted of the subsequent offence.
- (b) If he pleads guilty to or is convicted of the subsequent offence he shall then be asked whether he has been previously convicted as alleged in the charge.
- (c) If he answers that he has been so previously convicted the judge may proceed to pass judgment on him accordingly; but if he denies that he has been so previously convicted or refuses to or does not answer such question the jury or the district judge and the assessors (as the case may be) shall then inquire concerning such previous conviction and in such case it shall not be necessary to swear the jurors or assessors again.

(2) Notwithstanding in this section contained evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under any law for the time being in force in this island.

CHAPTER XXI.

Of Jurors and Assessors.

Liability to serve as a juror or assessor.

254 Subject to the provisions contained in the two sections next following every male person residing within this island who has attained the age of twenty-one years and who is able to speak, read, and write any of the languages following, (that is to say) English, Sinhalese, or Tamil and who possesses such income or property as is in section 257 in that behalf mentioned shall, whether or not his name is entered in any list of jurors by the same section directed to be made, be qualified and liable to serve as a juror in the Supreme Court at any sessions thereof held for the circuit and as an assessor in the district court of the district within which circuit and district respectively he is a resident; provided that the place where he resides is not distant more than thirty miles in a straight line from the place where such sessions or court is holden or if distant more than thirty miles is within eight miles by road of a railway station.

Disqualifications.

255 The following persons shall not serve as jurors in the Supreme Court or as assessors in a district court; that is to say:

- (a) The Governor or person discharging the office of Governor and members of his personal staff.

- (b) The Judges of the Supreme Court and their private secretaries.
- (c) Members of the Executive and Legislative Councils.
- (d) Salaried functionaries of Foreign Governments who do not carry on any business within the colony.
- (e) The clerks of the Executive and Legislative Councils respectively.
- (f) Persons performing the duties of district judge or police magistrate.
- (g) Fiscals and their officers.
- (h) Persons appointed by the Governor to be inquirers under this Code.
- (i) Presidents of village tribunals.
- (j) Advocates and proctors in actual practice.
- (k) Officers of customs and police and all persons who receive any pay or emolument for executing any duties of customs or police.
- (l) Habitual petition-drawers.
- (m) Persons actually officiating as priests or ministers of their respective religions.
- (n) Persons employed in any court of justice.
- (o) Persons employed in the Departments of the Attorney-General the Solicitor-General or the Inspector-General of Prisons.
- (p) Persons who have suffered imprisonment with hard labour for a term of one month or upwards in any part of Her Majesty's dominions and who have not received a free pardon.
- (q) Persons who labour under such bodily or mental incapacity or profess such religious tenets as render them unfit to discharge the duty of a juror or assessor.

256 The following persons shall not serve as jurors in the Supreme Court or assessors in a district court except with their own consent ; that is to say :

Exemptions.

- (a) Persons serving in Her Majesty's Army or Navy on full pay or active employment.
- (b) Persons duly admitted to practise as physicians, surgeons, or apothecaries and in actual practice.
- (c) Persons employed in the post and telegraph department or in the railway department.
- (d) Persons over the age of sixty years.
- (e) Persons duly qualified as dispensers of drugs and actually employed as such.
- (f) Municipal councillors and members of local boards of health and improvement.

257 (1) The fiscals of the several provinces shall in the month of January following the coming into operation of this Code prepare each for his own province three several lists of the persons resident therein who shall be both qualified and liable as before mentioned to serve as jurors and assessors, setting forth their names in full, occupations, and places of residence, that is to say :

Fiscals to prepare list of persons liable to serve as jurors.

- (1) A list of persons who can speak read and write the English language and each of whom possesses in his own or his wife's right an income of not less than Rs. 1,000 a year or is in the enjoyment of a monthly salary of not less than Rs. 100.

English.

Sinhalese.

(2) A list of persons who can speak, read, and write the Sinhalese language and each of whom possesses in his own or his wife's right property immovable or movable not less than Rs. 1,000 in value or an income of Rs. 500 a year ;

Tamil.

(3) A list of persons who can speak, read, and write the Tamil language and each of whom possesses in his own or his wife's right property immovable or movable not less than Rs. 1,000 in value or an income of Rs. 500 a year ;

and also :

Special jury.

(4) A list of persons selected from list No. (1) each of whom possesses an income of not less than Rs. 3,000 a year or either in his own or in his wife's right property movable or immovable not less than Rs. 20,000 in value or is in the enjoyment of a monthly salary of not less than Rs. 500, who shall be denoted in list No. (1) by an asterisk or other mark and shall be liable to serve as special jurors as hereinafter prescribed :

Provided always that if any person who shall be able to speak, read, and write more than one of the above-mentioned languages and shall be in other respects duly qualified shall at any time declare to the fiscal his desire to be placed on any one of the lists numbered (1), (2), and (3) respectively, in preference to another of the same lists, the fiscal shall if such person be duly qualified place him accordingly, and no person whose name shall be placed on any one of the same three lists shall be liable to serve on any other of the same lists unless such person with the leave of the presiding judge shall consent thereunto. Provided further that it shall be competent for the Governor with the advice of the Executive Council by proclamation to be by him for that purpose issued to dispense with the qualification as to income, salary, or property or to reduce the amount thereof in respect of any one or more of the above specified four lists in any province in which sufficient panels cannot be secured of jurors having the qualifications herein prescribed.

(2) Until the lists by this section directed to be prepared have been so prepared the list in force at the coming into operation of this Code shall continue to be used.

Revision of lists.

258 (1) In the month of January in every year the fiscal shall revise the said lists by adding thereto the names of all persons who at the date of such revision ought to be included in such lists and by striking out the names of all persons who at the same date ought not to be included therein.

(2) Any judge may from time to time order the name of any person who in his opinion ought to be included in any such list to be added thereto and it shall thereupon be added.

(3) All names added to a list shall be denoted by some distinguishing mark.

Fiscal may call for information for purpose of making up jury list.

259 The fiscal may for the purpose of preparing or revising such lists require any person found in his province to give his full name, occupation, and place of abode and to state whether he has or has not the property, income, or salary qualifying him to be a juror or special juror as the case may be, and also to give the full name, occupation, and place of

abode of every person in his employment or residing with him who is so qualified as aforesaid, and any person refusing or neglecting to give such information when required shall be liable on conviction by a police magistrate to a penalty not exceeding one hundred rupees.

260 The fiscal shall as soon as such lists have been prepared or revised as the case may be cause the same to be published in the *Government Gazette* and send a copy thereof to the registrar and to each district judge in his province.

Lists to be published in *Gazette*.

261 On some day not less than one month before the commencement of each criminal sessions of the Supreme Court three panels of jurors to be summoned for attendance and service as jurors at such criminal sessions shall be prepared and taken before a judge of the Supreme Court at Colombo in the following manner :

One panel of jurors to be prepared from each list.

From each of the three lists of jurors which are distinguished by the numbers (1), (2), and (3) one panel shall be prepared and taken and shall be designated by the language which distinguishes the list together with the name of the particular sessions for which it is formed.

262 (1) Each such panel shall contain fifteen names and shall be prepared by first entering therein the names of the persons (if any) who shall have been ordered under section 265, 273, 278, or 279 to be so entered and by then drawing by lot and entering therein so many more names from the corresponding list of jurors as with those already entered in the panel as hereinbefore provided will make up the number of fifteen.

How panel to be prepared.

(2) If at any sessions to be holden at Colombo the Chief Justice shall be of opinion that it is desirable that two courts should sit simultaneously for the trial of prisoners he may order that the panel of jurors taken from the list No. 1 shall consist of thirty names.

263 The mode in which the names of the jurors shall be drawn by lot from the list shall be as follows :

Mode of drawing jury.

Boxes having locks for securely fastening them shall be provided, which boxes shall be divided into two compartments of equal size.

As soon as the list prepared under section 257 is received from the fiscal the registrar shall cause the name of each person on such list to be distinctly written or printed on a separate slip of paper, the slips to be of the same shape and appearance and to be folded alike as nearly as may be ; and he shall do the same in respect of any additional names which may from time to time be added to such list under the provisions of section 258.

The slips containing the names of each separate list shall be placed in one compartment of a separate box, which box shall be marked and designated outside with and by the name of the province and the number and language which distinguishes the list to which the names in such box shall

belong and it shall be securely locked and be kept in the possession of the registrar of the Supreme Court and it shall not be opened or any panel drawn therefrom except in manner herein provided.

Further provisions.

264 On the day fixed for the preparation of the panel the registrar shall in the presence of a judge open such box and proceed to draw from the one compartment without selection a sufficient number of the said slips one by one until the number of names requisite to complete the panel shall have been obtained. As each slip is drawn the name of the juror thereon shall subject to the provisions of the next section be entered in the panel of the list to which he belongs.

Further provisions.

265 As each name is so drawn, if it is the name of a person who is known or believed to be dead or of a person absent from the colony or of a person likely to be unable from sickness or other good cause to attend or of a person known or believed not to be qualified or liable to serve as a juror, then the judge may order the name to be set aside; and in every such case an additional name shall be drawn in lieu of that so set aside and the judge if he think fit may order the name of any person so set aside unless it be on account of death or disqualification to be entered in the panel of any subsequent sessions to be then named by him.

Not more than one juror from same employment.

266 Unless it be unavoidable not more than one person belonging to or employed in any mercantile or business establishment or on any plantation or estate shall be included in the same panel.

Name, addition, and address of juror to be written on panel.

267 The names in full, additions, and places of abode of the several persons so drawn shall be written in the respective panels and numbered in the order in which the said names shall have been drawn and such panels shall be signed by the judge.

Slips to be replaced in box after jury is drawn.

268 (1) After the panel shall have been completed the slips containing the names so drawn and entered in the panel as well as the names of any of the persons which have been ordered to be entered in a subsequent panel shall be again folded and placed in the compartment of the box from which they had not been drawn and the box shall again be locked, and this shall be repeated as often as any jurors are drawn until the whole of the names in the one compartment shall have been drawn; when in like manner they shall be drawn out of the second and returned to the first and so on alternately from time to time in order that every man qualified and liable to serve on juries may take his turn to serve thereon.

(2) If any names have been drawn which the judge shall have ordered to be set aside but which he shall not have ordered to be inserted in a subsequent panel, the slips containing such names except of persons dead or disqualified shall be again folded and returned to the compartment from which they were drawn unless the judge order otherwise.

Copy of panels to be annexed to fiscal's precept.

269 A copy of the panels shall be annexed to a precept to the fiscal commanding him to summon the persons named in the panels to attend and serve as jurors at the said sessions.

270 Every person named in the panels shall forthwith or as soon as possible after the receipt of the precept by the fiscal be summoned by him and such summons in the case of panels prepared under section 261 shall be served at least ten days before the first day of the sessions.

Persons named in panel to be summoned by fiscal.

271 (1) Every summons to a juror shall be in writing and shall require his attendance as a juror at a time and place to be therein specified and shall be served personally.

Jury summons to be in writing.

(2) In the case of a juror taken from either of the lists of jurors which are distinguished by the numbers (2) and (3) the summons to him shall state that he need not at the first day of the sessions but that he must hold himself in readiness to attend on any day of such sessions of which he may receive special notice.

272 The fiscal shall as soon as possible after service of summons and not later than seven days before the commencement of the sessions in case of panels prepared under section 261 return the precept to the registrar with the panels annexed thereto and a memorandum showing where and when each person named in the panel was served; and if any person or persons named in the panel shall not have been served the memorandum shall state the fact and the reason why such service has not been effected and shall be supported by the affidavit of the officer whose duty it was to effect such service.

Precept to be returned to registrar with fiscal's memorandum.

273 On the receipt of such return the registrar shall without delay bring the same before one of the judges of the Supreme Court who may direct service to be made upon the person or persons not already served in such manner as may to him seem fit. And the judge may if he think fit make an order directing the name of any person returned by the fiscal as not summoned to be entered on the panel for any subsequent sessions to be fixed by the judge.

Registrar to bring return before judge of Supreme Court.

274 (1) If the judge shall be of opinion that the number of jurors returned by the fiscal as served is not likely to be sufficient he may cause to be drawn in the manner hereinbefore provided such further number of names as may be required to make up the full number of jurors; and the supplemental panel so formed shall be prepared and signed in the manner hereinbefore provided for the original panel and a copy thereof shall be sent with an additional precept to the fiscal, who shall as soon as possible after the receipt of such additional precept cause the persons named therein to be summoned to attend and serve at the sessions, and shall return the precept to the registrar not less than one clear day before the first day of the sessions with a memorandum similar to that provided by section 272 in respect to the original panel and precept.

Judge may order further list of jurors to be summoned.

(2) The judge before whom the sessions are being held, if and as often as he is of opinion that the number of jurors summoned and attending the sessions is insufficient, may cause a still further number of names to be drawn and the supplemental panel so formed and signed by him to be sent with a precept to the fiscal, who shall summon the

additional jurors and return the precept to the registrar forthwith, and in a similar manner he may direct a panel of jurors to be drawn at other periods whenever such direction is found to be necessary.

Juror not bound to serve more than a fortnight.

275 No juror shall be compellable to serve more than a fortnight in any one sessions unless at the expiration of the fortnight a trial in which he is engaged as a juror is pending and then only until the end of such trial,

Special jury panel.

276 Whenever an order shall be made requiring a special jury to be summoned a panel shall be prepared of such number as the order shall specify from the list of special jurors, and thereupon the fiscal shall summon the persons on such panel and the provisions of this chapter shall *mutatis mutandis* so far as the same may be applicable apply to the preparation of such panel and to the summoning and service of the special jury.

Allowances to jurors.

277 Every person taken to serve as juror or assessor at any court-house more than five miles from his residence shall be entitled to an allowance for his travelling expenses and if he is obliged to sleep from home for his board and lodging, such allowances to be computed at such rates as the Governor with the advice of the Executive Council shall from time to time determine.

Person may apply to registrar to be excused from attendance as juror.

278 Any person whose name is included in any panel may apply in writing to the registrar asking to be excused from attendance as a juror at the particular sessions for which the panel is prepared and stating the grounds on which the application is made. The registrar shall as soon as possible bring such application before the judge of the sessions or some other judge and such judge may make such order thereon as he may think fit.

Judge may excuse juror from attendance.

279 The judge may for reasonable cause excuse any juror from attendance at any particular sessions or on any particular day or days or time of the day and either unconditionally or on condition of his serving at the next or some subsequent sessions or some other day or time to be fixed by the judge.

Juror absenting himself without leave liable to fine.

280 (1) Any person summoned to attend as a juror or as an assessor, who without lawful excuse fails to attend as required by the summons or who having attended departs without having obtained the permission of the court or fails to attend after an adjournment of the court after being ordered to attend, shall be liable by order of the judge to such fine as he thinks fit and in default of payment of such fine to imprisonment until the fine is paid.

(2) Such punishment may be inflicted summarily on an order to that effect by the judge and any fine imposed shall be recoverable by distress and sale of the movable property of the person fined by warrant of distress to be signed by the registrar, which warrant shall be issued by the registrar without further order if the amount of fine is not paid within seven days of being imposed if imposed in the presence of the person fined, or within seven days of its

having come to his knowledge by notice or otherwise that the fine has been imposed if imposed in his absence. Provided that it shall be lawful for the judge if he thinks fit to remit any fine so imposed.

(3) When any person is so fined in his absence the registrar shall forthwith send him a written notice requiring him to pay the fine or to show cause before the court within seven days for not paying the same.

281 No judgment, sentence, order, verdict, or other proceeding by, of, at, or before the Supreme Court at any criminal sessions thereof or by, at, or before any district court exercising criminal jurisdiction and nothing done in pursuance of the same shall be held invalid or illegal or be in any way called in question by reason of any informality in or about the preparation or publication or revision of any list or lists of jurors or of any panel or by reason of any defect or error in or about the qualification or liability of any juror or assessor.

No proceeding to be invalid by reason of informality of jury list or panel.

CHAPTER XXII.

General Provisions as to Inquiries and Trials.

282 (1) If for the purpose of any inquiry or trial in a police court the prosecutor or the accused applies to the magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the magistrate shall issue such process unless for reasons to be recorded by him he deems it unnecessary so to do.

Power to compel attendance of witnesses.

(2) If the magistrate suspects that process to compel the attendance of any witness is applied for for the purpose of vexation or delay or of defeating the ends of justice he may require the applicant to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and if he is not so satisfied may refuse to summon the witness (recording his reasons for such refusal) or may before summoning him require such sum to be deposited as he thinks necessary to defray the expense of obtaining the attendance of the witness.

283 (1) In the case of any offence triable exclusively by the Supreme Court or a district court the magistrate inquiring into the offence may, after having obtained the Attorney-General's authority so to do with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence and to every other person concerned whether as principal or abettor in the commission thereof.

Tender of pardon to accomplice.

(2) Every person accepting a tender under this section shall be examined as a witness in the case.

(3) Such person if not on bail shall be detained in custody until the termination of the trial.

Power of Attorney-General to direct tender of pardon by magistrate.

284 The Attorney-General at any time after commitment but before judgment is pronounced may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to any such offence, tender or authorize the magistrate to tender a pardon on the same condition to such person.

Not complying with condition on which pardon has been tendered.

285 Where a pardon has been tendered under either of the last two preceding sections and any person who has accepted such tender has either by wilfully concealing anything essential or by giving false evidence not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered or for any other offence of which he appears to have been guilty in connection with the same matter.

If pardon is withdrawn statement of person may be given in evidence against him.

286 (1) The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under the last preceding section.

(2) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the Attorney-General.

Right of accused to be defended.

287 Every person-accused before any criminal court may of right be defended by a pleader.

Procedure where accused who is not insane does not understand proceedings.

288 If the accused though not insane cannot be made to understand the proceedings the court may proceed with the inquiry or trial, and in the case of a court other than the Supreme Court if such inquiry results in a commitment or if such trial results in a conviction the proceedings shall be forwarded to the Supreme Court with a report of the circumstances of the case and the Supreme Court shall pass thereon such order as it thinks fit.

Power to postpone or adjourn proceedings.

289 (1) If from the absence of a witness or any other reasonable cause it becomes necessary or advisable to postpone the commencement of or adjourn any inquiry or trial, the court may from time to time order a postponement or adjournment on such terms as it thinks fit for such time as it considers reasonable and may remand the accused if in custody or may commit him to custody or take bail in his own recognizance or with sureties for his appearance.

(2) No magistrate shall remand an accused person to custody under this section for a term exceeding seven days at a time save and except at such police courts as the Governor with the advice of the Executive Council shall from time to time proclaim to be police courts at which longer remands may be made, when it shall be lawful to remand accused persons at any such police courts for a term not exceeding fourteen days.

(3) Every order made under this section by a court other than the Supreme Court shall be in writing signed by the presiding judge or magistrate and shall state the reasons therefor, such reasons being in writing under the hand of such judge or magistrate.

(4) Where the accused has attended the court on summons he shall be enlarged on his own recognizance or on his simple undertaking to appear, unless for reasons to be recorded the court orders otherwise.

Explanation.—If sufficient evidence has been obtained to raise a reasonable suspicion that the accused may have committed an offence and it appears likely that further evidence will be obtained by a remand, this is a reasonable cause for a remand.

(5) No inquiry or trial in a police court shall be postponed or adjourned on the ground of the absence of a witness unless the magistrate has first satisfied himself that the evidence of such witness is material to the inquiry or trial and that reasonable efforts have been made to secure his attendance, and has recorded the name of such witness and the nature of the evidence which he is expected to give.

290 (1) The offences described in the first two columns of Part A of the table next following may when no prosecution for such offence is actually pending be compounded by the person mentioned in the third column of that table, or when a prosecution for such offence is actually pending be compounded by such person with the consent of the police magistrate, but the police magistrate shall record his reasons for giving such consent.

Compounding offences.

(2) The offences described in Part B of this table may with the consent of the Attorney-General be compounded by the person to whom the hurt was caused.

PART A.

Offence.	Sections of Penal Code applicable.	Persons by whom Offence may be compounded.
Causing hurt ...	314, 325	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	332, 333	The person restrained or confined.
Assault or use of criminal force	343, 346, 349	The person assaulted or to whom the criminal force is used.
Mischief when the only loss or damage caused is to a private person.	409, 410	The person to whom the loss or damage is caused.
Criminal trespass ...	433	The person in possession of the property trespassed upon.
House trespass ...	434	
Defamation ...	480	The person defamed.
Printing or engraving matter knowing it to be defamatory	481	
Sale of printed or engraved substance containing defamatory matter knowing it to contain such matter	482	
Insult intended to provoke breach of the peace	484	The person insulted.
Criminal intimidation except when the offence is punishable with imprisonment for seven years	486	The person intimidated.

PART B.

Offence.	Section of Penal Code applicable.
Voluntarily causing hurt ...	315
Voluntarily causing grievous hurt on provocation ...	326
Causing hurt by an act which endangers life ...	328
Causing grievous hurt by an act which endangers life ...	329

(3) When any offence is compoundable under this section the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

(4) When the person who would otherwise be competent to compound an offence under this section is a minor an idiot or a lunatic any person competent to contract on his behalf may compound such offence.

(5) The compounding of an offence under this section shall have the effect of an acquittal of the accused.

(6) No offence under the Penal Code not described in this section shall be compounded.

Trial of persons previously convicted of certain offences.

291 Where any person having been convicted of an offence punishable under chapter XII. or chapter XVII. of the Penal Code with imprisonment for a term of three years or upwards is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, the case shall if the magistrate before whom such person is accused considers him an habitual offender ordinarily be committed for trial to a district court or if the case be an exceptional one to the Supreme Court.

Change of magistrate during hearing or inquiry.

292 Whenever any magistrate after having heard and recorded the whole or any part of the evidence in an inquiry or a trial ceases to exercise jurisdiction therein and is succeeded by another magistrate who has and who exercises such jurisdiction, the magistrate so succeeding may act on the evidence so recorded by his predecessor and partly recorded by his predecessor and partly recorded by himself or he may re-summon the witnesses and re-commence the inquiry or trial :

Provided as follows :

- (a) In any trial the accused may when the second magistrate commences his proceedings demand that the witnesses or any of them be re-summoned and re-heard.
- (b) The Supreme Court may whether there be an appeal or not set aside any conviction had on evidence not wholly recorded by the magistrate before whom the conviction was had, if such court is of opinion that the accused has been materially prejudiced thereby, and may order a new trial.

293 (1) Any person attending a criminal court although not under arrest or upon a summons may be detained by such court for the purpose of inquiry into or trial for any offence of which such court can take cognizance and which from the evidence he may appear to have committed and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending court.

(2) When the detention takes place in the course of an inquiry under chapter XVI. or after a trial has been begun the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

294 No proceeding of any criminal court and no inquiry shall be invalid by reason of its being held on a Sunday or public holiday.

Proceedings may be had on Sundays and holidays.

295 (1) For the purpose of enabling an accused person to explain any circumstances appearing in the evidence against him the police magistrate holding an inquiry shall question the accused generally on the case after the witnesses for the prosecution have been examined and may at any stage of the inquiry for the purpose aforesaid put to him such questions as he may think necessary.

The accused to be examined at close of case for prosecution.

(2) For the purposes of this section the accused shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them, but the magistrate may draw such inference from such refusal or answer as he thinks just.

(3) The answers given by the accused may be put in evidence for or against him in any inquiry into or trial for any other offence which such answers may tend to show he has committed.

(4) All questions put to and answers given by the accused shall be recorded in manner provided by the next following chapter.

296 At every trial if and when the court calls upon the accused for his defence it shall, if he is not represented by a pleader, inform him of his right to give evidence on his own behalf and if he elects to give evidence on his own behalf shall call his attention to the principal points in the evidence for the prosecution which tell against him in order that he may have an opportunity of explaining them.

Case for prosecution to be explained by court to unfenced accused.

CHAPTER XXIII.

Of the mode of taking and recording Evidence in Inquiries and Trials.

297 Except as otherwise expressly provided all evidence taken at inquiries or trials under this Ordinance shall be taken in the presence of the accused or when his personal attendance is dispensed with in the presence of his pleader.

Evidence to be taken in presence of accused.

Provided that if the evidence of any witness shall have been taken in the absence of the accused whose attendance has not been dispensed with such evidence shall be read

over to the accused in the presence of such witness and the accused shall have a full opportunity allowed him of cross-examining such witness thereon.

How evidence to be taken down.

298 (1) In district courts and police courts the evidence of each witness shall be taken down in writing in English by the district judge or magistrate or in his presence and hearing and under his personal direction and superintendence and shall be signed and dated by the district judge or magistrate and where the evidence is taken at an inquiry shall also be signed by the interpreter if any shall have been employed.

(2) The evidence shall not ordinarily be taken down in the form of question and answer but in the form of a narrative; but the district judge or magistrate may in his discretion take down any particular question and answer.

(3) For the identification of witnesses the following particulars shall be recorded as to each, viz., the race, occupation, age, place of residence, and full name, and if a Tamil the name of his or her father and if a married woman the name of her husband and where material the caste.

(4) Every district judge or magistrate recording the evidence of a witness may record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Procedure in regard to such evidence when completed.

299 (1) As the evidence of each witness taken at an inquiry is completed or at some time before commitment it shall be read over to the witness by the magistrate in open court in the presence of the accused person if in attendance or of his pleader if he appears by pleader and shall if necessary be corrected.

(2) If the witness deny the correctness of any part of the evidence when read over to him the magistrate may instead of correcting the evidence make a memorandum thereon of the objection made to it by the witness and shall add such remarks as he thinks necessary.

(3) If the witness does not understand English the evidence shall be interpreted to him in the language in which it was given.

(4) When the evidence has been read over to the witness and every correction if any asked for by him has been made or noted the witness shall subscribe the deposition with his signature.

Interpretation of evidence to accused.

300 (1) Whenever any evidence is given in a language not understood by the accused and he is present in person it shall be interpreted to him in open court in a language understood by him.

(2) When documents are put in for the purpose of formal proof it shall be in the discretion of the court to cause only so much thereof as appears necessary to be interpreted.

Documentary evidence.

301 (1) On every inquiry and trial in police court all documentary evidence shall be filed in the record and initialled by the magistrate and dated with the date of its receipt by him.

(2) Where any document is in a foreign language there shall be filed with it an English translation thereof or of so much thereof as is material.

(3) When any documentary evidence is of such a nature that it is impracticable or inconvenient to file the same in the record the magistrate may after initialling it for the purpose of identification return the same to the person producing it, who shall be legally bound to produce it again before the court of trial, but the magistrate shall in that case cause a copy of such evidence to be made and filed with the record.

302 (1) Whenever in the course of an inquiry under chapter XVI. an accused makes a statement to or is examined by a magistrate the whole of such statement or examination, including every question put to him and every answer given by him, shall be recorded in full in the language in which he is examined or if that is not practicable in English, and such record shall be shown or read to him or if he does not understand the language in which it is written shall be interpreted to him in a language he understands and he shall be at liberty to explain or add to his answers.

How such examination to be recorded.

(2) When the whole is made conformable to what he declares is the truth the record shall be signed by the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing and contains accurately the whole of the statement or examination of the accused.

(3) The accused shall sign or attest by his mark such statement or examination ; and in the event of his refusing to do so the magistrate shall record such refusal.

303 In cases tried before the Supreme Court the presiding judge shall take or cause to be taken in writing notes of the evidence.

Judges to take notes of evidence.

CHAPTER XXIV.

Of the Judgment.

304 The judgment in every trial under this Code shall be pronounced in open court either immediately after the verdict is recorded or at some subsequent time of which due notice shall be given to the parties or their pleaders, and the accused shall if in custody be brought up or if not in custody shall be required to attend to hear judgment delivered except when his personal attendance during the trial has been dispensed with and the sentence is one of fine only.

Mode of delivering judgment.

305 In the Supreme Court before judgment of death is pronounced the accused shall be asked whether he has anything to say why judgment of death should not be pronounced against him.

Allooutus.

306. The following provisions shall apply to the judgments of courts other than the Supreme Court :

Judgment.

(1) The judgment shall be written by the district judge or magistrate who heard the case and shall be dated and signed by him in open court at the time of pronouncing it, and in cases where appeal lies shall contain the point or points for determination, the decision thereon, and the reasons for the decision.

(2) It shall specify the offence if any of which and the section of the law under which the accused is convicted and the punishment to which he is sentenced.

(3) If it be a judgment of acquittal it shall state the offence of which the accused is acquitted.

(4) When a judgment has been so signed it cannot be altered or reviewed by the court which gives such judgment, provided that a clerical error may be rectified at any time and that any other error may be rectified at any time before the court rises for the day.

(5) The judgment shall be explained to the accused affected thereby and a copy thereof shall be given to him without delay if he applies for it.

(6) The original shall be filed with the record of proceedings.

Judgment in alternative.

307 When the conviction is under the Penal Code and it is doubtful under which of two sections or under which of two parts of the same section of that Code the offence falls the court shall distinctly express the same and pass judgment in the alternative.

Sentences of death and whipping.

308 (1) When a person is sentenced to death the sentence shall direct that he be hanged by the neck till he is dead on a day and at a place therein specified, such day being not less than three weeks or more than six weeks from the date of the sentence.

(2) When a person is sentenced to whipping the judgment shall state whether he is above or under sixteen years of age and shall specify the number of lashes or strokes to be inflicted, such number in no case to exceed twenty-five.

CHAPTER XXV.

Of Sentences and the Carrying out thereof.

Provisions as to execution of sentences of death.

309 With regard to sentences of death the following provisions shall take effect :

(a) After sentence has been pronounced a warrant shall be made out and signed by the judge for the commitment of the person sentenced to the custody of the fiscal of the province in which the place where the sentence is to be carried out is situate, and such warrant shall be full authority to the said fiscal or any officer appointed by him for that purpose for receiving into his custody and detaining the person so sentenced and carrying such sentence into execution,

- (b) So soon as conveniently may be after sentence of death has been pronounced the judge who presided at the trial or in case of his absence or inability a judge shall forward to the Governor a copy of the notes of evidence taken on the trial with a report in writing signed by him setting out his opinion whether there are any and what reasons why the sentence of death should or should not be carried out.
- (c) The Governor after considering the said report in Executive Council shall inform the Supreme Court of any order he may have made thereon.
- (d) The Governor may order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution.
- (e) If a woman sentenced to death be alleged to be quick with child the court shall direct one or more medical practitioners to be sworn to examine the woman in some private place either together or successively and to inquire whether she is with child of a quick child or not. If upon the report of any of them it appears to the court that she is so with child execution shall be arrested until she is delivered of a child or until it is no longer possible in the course of nature that she should be so delivered.
- (f) (1) There shall be present at the execution of the sentence the fiscal or his deputy, the superintendent of the prison, the medical officer of the prison, and such other officers of the prison as the fiscal requires and if the execution takes place within the walls of the prison there may also be present any minister of religion in attendance at the prison and such relations of the prisoner or other persons as the fiscal thinks proper to admit.
- (2) As soon as may be after judgment of death has been executed the medical officer of the prison shall examine the body of the person executed and shall ascertain the fact of death and shall sign a certificate thereof and deliver the same to the fiscal.
- (3) A police magistrate of the division in which the place of execution was situate shall within twenty-four hours after the execution inquire into and satisfy himself of the identity of the body and whether judgment of death was duly executed thereon and he shall make a report in duplicate. One of the originals shall be forwarded to and filed in the Supreme Court and the other shall be forwarded to and filed in the office of the Colonial Secretary.
- (g) When a sentence of death is avoided by the escape of the person sentenced to death execution of such sentence shall be carried into effect at such other time after his re-capture as the Supreme Court shall order.

- (h) No omission or error as to time and place and no defect in form in any order or warrant given under this section and no omission to comply with the provisions of sub-section (f) shall be held to render illegal any execution carried into effect under such order or warrant or intended so to have been carried into effect or shall render any execution illegal which would otherwise have been legal.

Execution of sentences of Supreme Court other than sentences of death.

310 With regard to sentences passed by the Supreme Court other than sentence of death the following provisions shall take effect :

- (a) As soon as conveniently may be after the sentence has been pronounced the registrar shall make out a warrant of commitment which shall be signed by the judge who passed sentence and dated of the day when the sentence was passed and shall deliver the same to the fiscal or his deputy.
- (b) Such warrant shall be full authority to the fiscal or his deputy for receiving into his custody the prisoner named therein and for carrying out the sentence named therein.

Execution of sentences of courts other than Supreme Court.

311 With regard to sentences passed by courts other than the Supreme Court the following provisions shall take effect :

- (a) Where the accused is sentenced to imprisonment the court passing the sentence shall forthwith make out a warrant signed by the district judge or magistrate who passed sentence and dated of the day when the sentence was passed and shall cause the accused to be forwarded to the prison provided for the reception of prisoners sentenced by that court together with the warrant.
- (b) Every such warrant shall be directed to the fiscal of the province in which the court is situated and shall be in the prescribed form.

Provisions as to sentences of fines.

312 (1) Where any fine is imposed under the authority of any law for the time being in force, then in the absence of any express provision relating to such fine in such law contained the provisions following shall apply (that is to say) :

- (a) Where no sum is expressed to which the fine may extend the amount to which the offender is liable is unlimited but shall not be excessive.
- (b) In every case of an offence punishable with imprisonment as well as fine in which the offender is sentenced to a fine, whether with or without imprisonment and in every case of an offence punishable with fine only in which the offender is sentenced to a fine, the court passing the sentence may in its discretion direct by the sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence ;

- (c) The term for which the court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence if the offence be punishable with imprisonment as well as fine.
- (d) The imprisonment which the court imposes in default of payment of a fine may be of either description except where the offence is not punishable with imprisonment, in which case it shall be simple.
- (e) If the offence is not punishable with imprisonment the term for which the court directs the offender to be imprisoned in default of payment of fine shall not exceed the following scale, that is to say : for any term not exceeding two months when the amount of the fine does not exceed fifty rupees and for any term not exceeding four months when the amount does not exceed one hundred rupees and for any term not exceeding six months in any other case.
- (f) The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.
- (g) If before the expiration of the term of imprisonment fixed in default of payment such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.
- (h) The fine or any part thereof which remains unpaid may be levied at any time within six years after the passing of the sentence, and if under the sentence the offender be liable to imprisonment for a longer period than six years then at any time previous to the expiration of that period, and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

(2) Whenever an offender is sentenced to pay a fine under the authority of any law for the time being in force the court passing the sentence may in its discretion issue a warrant for the levy of the amount by distress and sale of any movable property belonging to the offender although the sentence directs that in default of payment of the fine the offender shall be imprisoned. Such warrant shall be addressed to the fiscal and may be executed at any place in the colony, but if it is required to be executed outside the jurisdiction of the court by which it was issued it shall be indorsed by a police magistrate having jurisdiction where it is to be so executed.

(3) In exercising the discretion given in the last preceding sub-section the court shall have regard to the welfare of the offender and of his family and shall not issue such warrant if in its opinion the levy of the distress would be more injurious to the offender or his family than imprisonment.

(4) The wearing apparel of an offender and his family and to the value of twenty-five rupees the tools and implements of his trade, including therein seed corn, shall not be taken under a warrant of distress.

(5) Where an offender has been sentenced to fine only and to imprisonment in default of the fine the court may give the offender such time not exceeding fifteen days for payment of the fine as it thinks fit and may postpone the issue of the warrant of commitment accordingly on such conditions as to the court may seem just.

Execution of sentence may be suspended on execution of bond by offender.

313 When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine and the court issues a warrant under the last preceding section, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond with or without sureties as the court thinks fit conditioned for his appearance before such court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and on that day in the event of the fine not having been paid or realized the court may direct the sentence of imprisonment to be forthwith carried into execution.

Provided that where the fine is imposed by the Supreme Court the bond may be conditioned for the appearance of the offender before a police court therein named and such police court shall on the day of appearance, if the fine shall not have been paid or realized, direct the sentence of imprisonment to be forthwith carried into execution.

Who may issue warrant.

314 Every warrant for the execution of any sentence may be issued either by the judge, district judge, or magistrate who passed the sentence or by his colleague or successor in office.

When and where sentence of whipping to be executed.

315 (1) When the accused is sentenced to whipping the sentence shall be executed at such time and place as the court may direct and in the presence of a medical officer.

(2) Such whipping shall in the case of persons above sixteen years of age be inflicted with a cat or other implement of such description and in such manner as the Governor shall at any time or from time to time direct, and in the case of persons under sixteen years of age shall be inflicted with a light cane or rattan on the bare buttocks.

In appeal cases whipping not to be inflicted until after ten days.

316 When the accused is sentenced to whipping in a case which is subject to appeal the whipping shall not be inflicted until the time for appealing has expired, or if an appeal be lodged within that time until the sentence is confirmed by the Supreme Court; but the whipping shall be inflicted as soon as practicable after the expiry of the said time or in case of an appeal as soon as practicable after the receipt of the order of the Supreme Court confirming the sentence.

Nor unless medical officer certifies that offender is in a fit state of health.

317 (1) The punishment of whipping shall not be inflicted unless the medical officer certifies that the offender is in a fit state of health to undergo the punishment.

(2) If during the execution of a sentence of whipping the medical officer certifies that the offender is not in a fit state of health to undergo the remainder of the punishment the whipping shall be finally stopped.

318 (1) In any case in which under the last preceding section a sentence of whipping is wholly or partially prevented from being carried into execution the offender shall be kept in custody till the court which passed the sentence can revise it; and the said court may at its discretion either order the discharge of such offender or sentence him in lieu of whipping or in lieu of so much of the sentence of whipping as was not carried out to imprisonment for any term not exceeding that which the court is competent to inflict, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

When sentence of whipping cannot be carried out offender may be discharged.

(2) Nothing in this section shall be deemed to authorize any court to inflict imprisonment for a term exceeding that to which the accused is liable by law or that which the said court is competent to inflict.

319 Whenever a male offender under sixteen years of age is sentenced by any court to whipping without any other punishment in addition thereto such whipping shall, notwithstanding the provisions of "The Youthful Offenders' Ordinance, 1886," not exceed ten strokes and shall be inflicted forthwith within the court premises and in the presence, if he desires to be present, of the parent or guardian of such offender. A medical officer need not be present, but such whipping shall not be inflicted unless it appears to the court that the offender is in a fit state of health to undergo the same.

Whipping of juvenile offenders under sixteen years of age.

320 (1) No convict shall by reason of his escape from prison avoid any unexpired term of imprisonment simple or rigorous or any other punishment to which he was liable under any sentence or sentences passed on him prior to his escape.

Sentences on escaped convict.

(2) When sentence is passed on an escaped convict of death or of fine or whipping with or without imprisonment such sentence, if of death, fine, or whipping, shall subject to the provisions hereinbefore contained take effect immediately; and if the imprisonment under the new sentence is rigorous and such convict was undergoing only simple imprisonment when he escaped the rigorous imprisonment shall take effect immediately and shall be enforced concurrently with the former sentence; but if such convict was undergoing rigorous imprisonment when he escaped the rigorous imprisonment under the new sentence shall take effect after such convict has suffered rigorous imprisonment for a further period commencing from the date of his recapture equal to that which at the time of his escape remained unexpired of his former sentence.

321 When a person actually undergoing imprisonment is sentenced to imprisonment such imprisonment shall commence at the expiration of the imprisonment to which he has been previously sentenced.

Sentence on offender already sentenced for another offence.

322 "The Youthful Offenders' Ordinance, 1886,"* shall be in operation throughout this island.

Ordinance No. 1 of 1886 to apply to whole island.

323 The provisions of sections 53 and 67 of the Penal Code shall apply to all offences whatever.

Certain sections of Penal Code to apply to all offences.

Return of warrant on execution of sentence.

324 When a sentence has been fully executed the officer executing it shall return the warrant to the court from which it issued with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXVI.

Conditional Release of First Offenders.

Power to court to release upon probation of good conduct instead of sentencing to imprisonment.

325 (1) In any case in which a person is convicted of any offence punishable with not more than three years' imprisonment before any court and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that regard being had to the youth or to the character and antecedents of the offender or to the trivial nature of the offence or to any extenuating circumstances under which the offence was committed it is expedient that the offender be released on probation of good conduct, the court may instead of sentencing him at once to any punishment direct that he be released on his entering into a recognizance with or without sureties and during such period as the court may direct to appear and receive judgment when called upon and in the meantime to keep the peace and be of good behaviour.

(2) The court may if it thinks fit direct that the offender shall pay to the complainant such compensation or to the Crown by way of Crown costs such a sum of money as the court shall think fit and the compensation or sum of money so awarded or some portion of the same shall be payable within such period and by such instalments as may be directed by the court.

Provision in case of offender failing to observe conditions of his recognizances.

326 (1) If a court having power to deal with the offender in respect of his original offence or any police court is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance it may issue a warrant for his apprehension.

(2) An offender when apprehended on any such warrant shall if not brought forthwith before the court having power to sentence him be brought before a police court and that court may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment or until the sitting of a court having power to deal with his original offence or may admit him to bail with a sufficient surety conditional on his appearing for judgment.

(3) Where the offender is remanded the court shall forthwith cause a warrant of commitment to be made out and signed addressed to the fiscal for the province in which the court is situated and the offender together with the warrant shall forthwith be forwarded to the prison for the reception of prisoners sentenced by such court and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment or to answer as to his conduct since his release.

Conditions as to the abode of the offender.

327 The court before directing the release of an offender under this Code shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the division or district over which the court has jurisdiction or in which the offender is likely to live during the period named for the observance of the condition.

CHAPTER XXVII.

Of Suspensions, Remissions, and Commutations of Sentences.

328 (1) When any person has been sentenced to punishment for an offence the Governor may at any time without conditions or upon any conditions which the person sentenced accepts suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Governor may suspend or remit sentences on conditions.

(2) Whenever an application is made to the Governor for the suspension or remission of a sentence the Governor may require the presiding judge or magistrate of the court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused together with his reasons for such opinion.

(3) If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor the Governor may cancel such suspension or remission; whereupon such person may if at large be arrested by any police officer without warrant and remanded by a police court to undergo the unexpired portion of the sentence.

(4) Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

329 The Governor may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it :

Governor may commute sentence.

Death; rigorous imprisonment not exceeding twenty years; simple imprisonment for any term not exceeding that to which such person might have been sentenced; fine.

CHAPTER XXVIII.

Of previous Acquittals or Convictions.

330 (1) A person who has once been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence shall while such conviction or acquittal remains in force not be liable to be tried again for the same offence nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 181 or for which he might have been convicted under section 182.

No person to be tried twice for same offence.

(2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under sub-section 1 of section 180.

(3) A person convicted of any offence constituted by any act causing consequences which together with such act constituted a different offence from that of which he was convicted may be afterwards tried for such last-mentioned offence, if the consequences had not happened or were not known to the court to have happened at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may notwithstanding such acquittal or conviction be subsequently charged with and tried for any other offence constituted by the same acts which he may have committed, if the court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

- (a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards while the acquittal remains in force be charged with theft as a servant or upon the same facts with theft simply or with criminal breach of trust.
- (b) A is tried upon a charge of murder and acquitted. There is no charge of robbery, but it appears from the facts that A committed robbery at the time when the murder was committed. He may afterwards be charged with and tried for robbery.
- (c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.
- (d) A is charged and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.
- (e) A is charged with and convicted of voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts unless the case comes within paragraph 3 of this section.

Plea of previous acquittal or conviction.

331 (1) The plea of a previous acquittal or conviction may be pleaded either orally or in writing and may be in the following form or to the following effect :

The defendant says that by virtue of section 330 of "The Criminal Procedure Code, 1897," he is not liable to be tried.

(2) Such plea may be pleaded together with any other plea, but the issue raised by such plea shall be tried and disposed of before the issues raised by the other pleas are tried.

(3) On the trial of an issue on a plea of a previous acquittal or conviction the depositions transmitted to the court on the former trial, together with the judge's notes if available and the depositions transmitted to the court on the subsequent charge, shall be admissible in evidence to prove or disprove the identity of the charges.

PART VII.

OF APPEAL, REFERENCE, AND REVISION.

CHAPTER XXIX.

Of Appeals.

332 No appeal shall lie from any judgment or order of a criminal court except as provided for by this Code or by any other law for the time being in force.

No appeal to lie except as provided for.

Of Appeals to the Queen in Council.

333 Nothing herein contained may or can take away or abridge the undoubted right and authority of Her Majesty to admit or receive any appeal from any judgment decree, sentence, or order of the Supreme Court or any criminal court on behalf of Her Majesty or of any person aggrieved thereby in any case in which and subject to any conditions or restrictions upon or under which Her Majesty may be graciously pleased to admit or receive any such appeal.

Appeals to the Queen.

334 The Supreme Court and all courts from which an appeal shall be taken in any criminal matter shall in all cases of appeal to Her Majesty conform to, execute, and carry into immediate effect such judgments and orders as Her Majesty in Council shall make thereupon in such manner and by such procedure as any original judgment, decree, or order of such court can or may be executed.

Duty of all courts in such cases.

CHAPTER XXX.

Appeals from District or Police Courts to the Supreme Court.

335 (1) There shall be no appeal from a conviction :

No appeal in certain cases.

- (a) Where in the case of a male offender under sixteen years of age the sentence is one of whipping only.
- (b) Where an accused has pleaded guilty and been convicted by a district court on such plea.
- (c) Where an accused has under section 188 made an unqualified admission of his guilt and been convicted by a police court.

Nor without the leave of the court in which the conviction was had in the following cases (that is to say) :

- (d) Where an accused has been sentenced by a district court to a term of imprisonment not exceeding three months without any other punishment.
- (e) Where an accused has been sentenced by a district court to a fine not exceeding one hundred rupees without any other punishment.
- (f) Where an accused has been sentenced by a police court to a term of imprisonment not exceeding one month without any other punishment.
- (g) Where an accused has been sentenced by a police court to a fine not exceeding twenty-five rupees without any other punishment.

(2) An appeal shall lie in all the foregoing cases except (a) upon a matter of law.

Explanation.—There is no appeal from a sentence of imprisonment passed by either of such courts in default of payment of fines to the above amounts when no substantive sentence of imprisonment has been passed.

No appeal against acquittal except at the instance of Attorney-General.

336 There shall be no appeal from an acquittal by a district court or a police court except at the instance of the Attorney-General.

Appeal against refusal to issue process.

337 Where a police court has refused to issue process no *mandamus* shall lie to compel such court to issue such process, but the Attorney-General may appeal against such refusal.

Right of appeal.

338 (1) Subject to the provisions of the last three preceding sections any person who shall be dissatisfied with any judgment or final order pronounced by any police court or district court in a criminal case or matter to which he is a party may prefer an appeal to the Supreme Court against such judgment for any error in law or in fact, (a) by lodging within seven days from the time of such judgment or order being passed or made with such police court or district court a petition of appeal addressed to the Supreme Court, or (b) by stating within the time aforesaid to the chief clerk or secretary of such court as the case may be or to the jailer of the prison in which he is for the time being confined his desire to appeal and the grounds therefor, providing at the same time a stamp of the value of five rupees, and it shall thereupon be the duty of such chief clerk, secretary, or jailer as the case may be to prepare a petition of appeal and lodge it with the court by which such judgment or order was pronounced.

(2) Where the Attorney-General is the appellant the time within which the petition of appeal must be lodged shall be twenty-eight days.

Computation of time.

339 (1) In computing the time within which an appeal must be lodged the day on which the judgment or order complained of was pronounced and all Sundays and public holidays shall be included.

Explanation.—An order committing or discharging a prisoner made under section 157 is not a judgment or final order.

(2) If the time for lodging a petition of appeal expires on a day on which the office of the court is closed the appeal shall be deemed in time if such petition be lodged on the first day next thereafter on which such office is open.

What appeal shall state.

340 (1) Every petition of appeal shall state shortly the grounds of appeal and shall be signed by the appellant or his proctor.

(2) Where the appeal is on a matter of law the petition shall contain a statement of the matter of law to be argued and shall bear a certificate by an advocate or proctor that such matter of law is a fit question for adjudication by the Supreme Court.

(3) Every such petition shall bear a stamp of five rupees, but the court from which an appeal is preferred may if it see fit allow the payment of the stamp fee to stand over until judgment on the appeal shall have been given.

(4) If the appeal be given in whole or in part in favour of the appellant the amount of stamp fee when such has been paid shall be returned to him.

(5) If the appeal be given against the appellant such stamp fee when such has not been paid shall be paid by him or recovered from him in the way of fine unless the Supreme Court shall deem fit to remit all or any part of such stamp fee, in which case only such part as shall not be so remitted shall be recovered.

341 (1) When an appeal has been preferred the court from which the appeal is preferred shall order the appellant if in custody to be released on his entering into a recognisance in such sum and with or without a surety or sureties as such court may direct conditioned to abide the judgment of the Supreme Court and to pay such costs as may be awarded, provided always that the appellant may if the court from which the appeal is preferred thinks fit instead of entering into a recognisance give such other security by deposit of money with such court or otherwise as that court may deem sufficient.

Appellant to be released on giving security.

(2) Upon the appellant's entering into such recognisance or giving such other security as aforesaid he shall be released from custody.

(3) Such recognisance may if the appellant is in prison be entered into before the superintendent or jailer of the prison and if so entered into shall be as valid in all respects as if it had been entered into before the court from which the appeal is preferred; and for this purpose the court shall endorse on the warrant of committal the amount and nature of the security which is to be given in case an appeal be preferred.

(4) When a person sentenced to a term of rigorous imprisonment has preferred an appeal, but is unable to give the required recognisance or other security he shall be detained in custody without hard labour until the judgment of the Supreme Court is made known to the superintendent of the prison.

(5) The Supreme Court may order that the time so spent by such appellant in custody or any part thereof shall be reckoned as part of the term of his sentence.

342 On a petition of appeal being lodged the district judge or police magistrate as the case may be shall transmit the record of the case to the Supreme Court together with the petition of appeal and shall forthwith issue notice thereof to the party, whether complainant or accused, in whose favour the judgment or order appealed against was pronounced or made or adversely to whom the appeal is preferred.

Proceedings to be forwarded to Supreme Court and notice to be given to other side.

Procedure in
Supreme Court
on appeal.

343 (1) When the record and petition of appeal have been transmitted to the Supreme Court the registrar shall number the appeal and enter it on the list of appeals and such list shall be kept suspended in the Registry of the Supreme Court.

(2) The appeal shall come on for hearing in its order without further notice to the parties concerned, provided that the court may of its own motion or on the application of a party concerned accelerate or postpone the hearing of an appeal upon any such terms as to the prosecution or the costs of the appeal or otherwise as it may think fit ; provided also that a judge on circuit may direct that any appeal pending from any police court or district court of such circuit be heard before him on such circuit and the same shall be heard accordingly.

Appellant to be
heard first.

344 (1) When the appeal comes on for hearing the appellant if present shall be first heard in support of the appeal and then the respondent if present shall be heard against it.

(2) If the appellant does not appear to support his appeal the court shall consider the appeal and may make such order thereon as it may deem fit.

Procedure if
respondent not
present.

345 . If at the hearing of an appeal the respondent is not present and the court is not satisfied that the notice of appeal was duly served upon him the court shall adjourn the hearing of the appeal to a future day for his appearance and shall issue the requisite notice to him for service through the fiscal.

Arrest of accused
in appeal from
acquittal.

346 When an appeal is presented against an acquittal the Supreme Court may issue a warrant directing that the accused be arrested and brought before it and may commit him to prison pending the disposal of the appeal or admit him to bail.

Power of
Supreme Court
on appeals.

347 At the hearing of the appeal the court may if it considers that there is no sufficient ground for interfering dismiss the appeal or may—

(a) In an appeal from an order of acquittal, reverse such order and direct that further inquiry be made or that the accused be re-tried or committed for trial as the case may be or find him guilty and pass sentence on him according to law ;

(b) In an appeal from a conviction, (1) reverse the verdict and sentence and acquit or discharge the accused or order him to be re-tried by a court of competent jurisdiction or committed for trial ; or (2) alter the verdict maintaining the sentence, or with or without altering the verdict increase or reduce the amount of the sentence or the nature thereof ;

(c) In an appeal from any other order, alter or reverse such order ;—

provided always that the sentence awarded on an appeal shall not exceed the sentence which might have been awarded by the court of first instance.

348 (1) In dealing with an appeal under this chapter the Supreme Court, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by any judge of a district court or by a police magistrate.

Appellate court may take further evidence or direct it to be taken.

(2) When the additional evidence is taken the officer taking the same shall transmit the evidence so taken duly certified to the Supreme Court together with his opinion on such evidence.

(3) Unless the Supreme Court otherwise direct the accused or his pleader shall be present when any additional evidence is taken under this and the last preceding section.

(4) The taking of such evidence shall be deemed an inquiry under chapter XVI.

349 (1) On the termination of the hearing of the appeal the Supreme Court shall either at once or on some future day, which shall either then be appointed for the purpose or of which notice shall subsequently be given to the parties or their advocates, deliver judgment in open court.

Judgment in appeal to be given in open court.

(2) If the court consists of two judges and they differ the appeal shall be heard again by three judges.

(3) If the court consists of three judges the decision shall be that of the majority.

350 (1) Whenever a case is decided on appeal by the Supreme Court under this chapter such court shall certify its order under its seal to the court of first instance and shall return to such court the record and petition of appeal accompanied by a copy of the reasons (if any) given by the Supreme Court for its order.

Order of Supreme Court to be certified to lower court.

(2) The court to which such order is certified shall thereupon make such orders as are conformable to the order so certified and if necessary the record shall be amended in accordance therewith.

Illustrations.

(a) A sentenced to six months' rigorous imprisonment after undergoing rigorous imprisonment for three days prefers an appeal and giving the required security is released. The Supreme Court affirms the sentence. The court from which the appeal is preferred will issue a fresh warrant of committal directing the appellant to undergo rigorous imprisonment for the term of six months less three days.

(b) A sentenced to six months' rigorous imprisonment after undergoing imprisonment for four days prefers an appeal but is unable to give the required security and is accordingly detained in custody without hard labour for one month when the judgment of the Supreme Court affirming the sentence is made known. The Supreme Court orders that fourteen days of the time spent by A in custody without hard labour shall be reckoned as part of his sentence. The court from which the appeal is preferred will issue a fresh warrant of committal directing the appellant to undergo rigorous imprisonment for the term of six months less eighteen days.

351 Every appeal against an acquittal shall finally abate on the death of the accused and every other appeal under this chapter shall finally abate on the death of the appellant.

Abatement of appeals.

Costs.

352 The Supreme Court shall have power in all proceedings under this chapter to award such costs to be paid by or to the parties thereto as the said court shall think fit.

CHAPTER XXXI.

Of Reference and Revision.

Reservation of points of law.

353 (1) Any district court and any police court acting in summary jurisdiction may if it thinks fit reserve for the consideration of the Supreme Court any question of law arising in the proceedings whenever any person shall have been convicted and sentenced to any penalty or punishment.

(2) Every question of law so reserved shall be submitted to the said court in the shape of a special case in the prescribed form.

(3) Every such special case shall be drawn up by the district judge or magistrate of the court before which the proceedings are held and shall set out shortly the facts which are considered by the district judge or magistrate to be proved and shall state the question of law which shall have been reserved for the opinion of the court.

(4) Every such special case shall be sent by the district judge or magistrate to the registrar and shall be set down for argument in such manner as the Supreme Court may direct.

(5) The person convicted shall pending the decision on the special case be remanded to prison or if the court thinks fit admitted to bail.

Determination and orders thereon.

354 The Supreme Court shall hear and determine the question of law arising on such special case and shall thereupon affirm, amend, or reverse the determination in respect of which the special case has been stated or may make such order in relation to the matter as to the Supreme Court may seem fit. Provided always that no district judge or magistrate who shall state and deliver a special case in pursuance of this Code shall be liable to any costs in respect thereto.

Power to reserve questions arising in original jurisdiction of Supreme Court.

355 (1) When any person has in a trial before a judge of the Supreme Court acting in the exercise of its original criminal jurisdiction been convicted of an offence and sentenced, the judge if he thinks fit may reserve and refer for the decision of a court consisting of two or more judges any question of law which has arisen on the trial, stating in a case signed by him such question with the special circumstances upon which the same shall have arisen.

(2) If the judge reserve any such question the person convicted shall pending the decision thereon be remanded to prison or if the judge thinks fit be admitted to bail, and the Supreme Court shall have power to hear and finally determine such question and thereupon to reverse, affirm, or amend the judgment or to make such other order as justice may require.

(3) When any person has in a trial before a Judge of the Supreme Court acting in the exercise of its original criminal jurisdiction been convicted of an offence and the Attorney-General is of opinion that any question of law arising on such trial which has not been reserved under this section ought to be further considered he may certify accordingly under his hand and thereupon the Supreme Court shall have full power and authority to review the case or such part of it as may be necessary and finally determine such question and thereupon to reverse, affirm, or amend the judgment or to make such other order as justice may require in like manner as though such question had been reserved under sub-section (1).

356 The Supreme Court may call for and examine the record of any case whether already tried or pending trial in any court for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed therein or as to the regularity of the proceedings of such court.

Supreme Court may call for record of any court.

357 (1) The Supreme Court may in any case the record of the proceedings of which has been called for by itself or which otherwise comes to its knowledge in its discretion exercise any of the powers conferred by sections 346, 347, and 348.

Powers of court on revision.

(2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by advocate in his own defence.

(3) Nothing in this section shall be deemed to authorize the Supreme Court to convert a finding of acquittal into one of conviction.

358 No party has any right to be heard either personally or by pleader before the Supreme Court when exercising its powers of revision. Provided that the court may if it thinks fit when exercising such powers hear any party either personally or by pleader.

Optional with court to hear parties on review.

359 When the record of any case is called for by the Supreme Court under section 356 the district judge or magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material, and the court shall consider such statement before overruling or setting aside the said decision or order.

When record called for judge or magistrate may forward statement of grounds of decision.

360 (1) When a case is revised under this chapter by the Supreme Court such court shall certify its order under its seal to the court by which the verdict, sentence, or order revised was recorded or passed, and shall return to such court the record accompanied by a copy of the reasons given by the Supreme Court for its order.

Judge or magistrate to carry into effect orders of Supreme Court.

(2) The court to which the order is so certified shall thereupon make such orders as are conformable to the order so certified and if necessary the record shall be amended in accordance therewith.

PART VIII.
SPECIAL PROCEEDINGS.

CHAPTER XXXII.

Inquests of Deaths.

Inquest of death. 361 No inquest of death shall be held except under the provisions of this Code.

Duty of inquirers. 362 (1) Every inquirer on receiving information that a person—

(a) Has committed suicide or

(b) Has been killed by an animal or by machinery or by an accident

shall immediately proceed to the place where the body of such deceased person is and there shall make an inquiry and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body and such marks, objects, and circumstances as in his opinion may relate to the cause of death and stating in what manner such marks appear to have been inflicted.

(2) The report shall be signed by such inquirer and shall be forthwith forwarded to the nearest police magistrate.

(3) If the report discloses a reasonable suspicion that a crime has been committed the police magistrate shall take proceedings under chapters XV: and XVI.

Death of a person in custody of police or in an asylum.

363 (1) When any person dies while in the custody of the police or in an asylum or prison the officer who had the custody of such person or was in charge of such asylum or prison as the case may be shall forthwith give information of such death to a police magistrate of the police court within the local limits of whose jurisdiction the body is found, and such police magistrate shall in the case of a death in the custody of the police, and in other cases may if he thinks it expedient hold an inquiry into the cause of death.

(2) For the purposes of inquiry under this section a police magistrate shall have all the powers which he would have in holding an inquiry into an offence.

(3) In the case of inquiries under this section the police magistrate holding the inquiry shall view the body and summon to sit with him as assessors two indifferent persons, but it shall not be necessary for such assessors to view the body.

Evidence and finding to be recorded.

364 (1) The police magistrate holding an inquiry prescribed under this chapter shall record the evidence and his finding thereon.

(2) Where there are assessors the finding shall be signed by the assessors or by such of them as concur therein, but an assessor who dissents from the finding shall be at liberty to record on the proceedings his dissent and the reasons therefor. In every case where an assessor records his dissent the police magistrate shall forthwith forward the proceedings to the Attorney-General.

(3) The place in which any inquiry of death under this chapter is held shall be a place open to the public. But a police magistrate conducting an inquiry of death may on

special grounds of public policy or expediency in his discretion exclude the public at any stage of the inquiry from the place in which the inquiry is being held.

365 When a police magistrate inquiring into the cause of death considers it expedient to make an examination of the dead body of any person who has been already buried in order to discover the cause of death he may cause the body to be disinterred and examined.

Disinterment of bodies.

366 When any person has been duly summoned to attend as an assessor by any police magistrate on an inquiry under this chapter and shall fail or neglect to attend at the time and place specified in such summons it shall be lawful for such police magistrate to cause such person to be openly called three times to appear and serve as an assessor, and upon the non-appearance of such person and proof that such summons has been served upon him or left at his usual place of abode to impose such fine upon the person so making default not exceeding twenty-five rupees as to such police magistrate shall seem fit, and such police magistrate shall make out and sign a certificate containing the name, surname, and residence of every person so making default together with the amount of the fine, which shall have been imposed and the cause of such fine and the police magistrate shall cause a copy of such certificate to be served upon the person so fined by having it left at his usual place of residence or by sending the same through the post office addressed as aforesaid and within seven days thereafter such police magistrate shall cause such fine to be levied.

Assessors duly summoned to attend.

CHAPTER XXXIII.

Lunatics.

367 (1) When a police court holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence it shall inquire into the fact of such unsoundness and shall cause such person to be examined by the government medical officer of the district or some other medical officer, and thereupon shall examine such officer as a witness and shall reduce the examination to writing.

Procedure in case of accused being a lunatic.

(2) If the police court is of opinion that the accused is of unsound mind and consequently incapable of making his defence it shall postpone further proceedings in the case.

368 (1) If any person committed for trial before the Supreme Court or a district court appears to the court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the district court with or without the aid of assessors shall in the first instance try the fact of such unsoundness and incapacity and if satisfied of the fact shall find accordingly and thereupon the trial shall be postponed.

Procedure in case of person committed before superior court being a lunatic.

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the court.

Release of lunatic pending investigation or trial.

369 (1) Whenever an accused is found to be of unsound mind and incapable of making his defence the court, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person and for his appearance when required before the court or such officer as the court appoints in this behalf.

(2) If the case is one in which bail may not be taken or if sufficient security is not given, the court shall report the case to the Governor and the Governor may by writing under the hand of the Colonial Secretary order the accused to be confined in a lunatic asylum or other suitable place of safe custody and the court shall give effect to such order.

Resumption of inquiry or trial.

370 (1) Whenever an inquiry or a trial is postponed under the preceding sections of this chapter the court may at any time resume the inquiry or commence the trial *de novo* and require the accused to appear or be brought before such court.

(2) When the accused has been released under section 369 and the sureties for his appearance produce him to the officer whom the court appoints in this behalf the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before court.

371 (1) If when the accused appears or is again brought before the court the court considers him capable of making his defence, the inquiry or trial shall proceed.

(2) If the court considers the accused person to be still incapable of making his defence the court shall again act according to the provisions of section 367 or section 369, as the case may be.

When accused appears to have been insane.

372 When the accused appears to be of sound mind at the time of the inquiry and the police court is satisfied from the evidence given before the court that there is reason to believe that the accused committed an act which if he had been of sound mind would have been an offence and that he was at the time when the act was committed by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court shall proceed with the case as directed by chapter XVI.

Judgment of acquittal on ground of lunacy.

373 Whenever any person is acquitted upon the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act alleged as constituting the offence or that it was wrong or contrary to law, the verdict shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

374 (1) Whenever the verdict states that the accused committed the act alleged the court before which the trial has been held shall, if such act would but for the incapacity found have constituted an offence, order such person to be kept in safe custody in such place and manner as the court thinks fit, and shall report the case for the orders of the Governor.

(2) The Governor may by writing under the hand of the Colonial Secretary order such person to be confined in a lunatic asylum prison or other suitable place of safe custody until further orders.

375 When any person is confined under the provisions of this chapter the Inspector-General of Prisons if such person is confined in a prison, or the visitors of the lunatic asylum or any two of them if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid, and such Inspector-General or visitors shall make a special report to the Governor as to the state of mind of such person.

Lunatic prisoners to be visited by Inspector-General.

376 If such person is confined under the provisions of section 369 and such Inspector-General or visitors shall certify that in his or their opinion such person is capable of making his defence he shall be taken before the court at the instance of which he was confined at such time as such court appoints, and the court shall deal with such person under the provisions of section 371 and the certificate of such Inspector-General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

377 If such person is confined under the provisions of section 369 or section 374 and such Inspector-General or visitors shall certify that in his or their judgment he may be discharged without danger of his doing injury to himself or to any other person, the Governor may thereupon order him to be discharged or to be detained in custody or to be transferred to a lunatic asylum, if he has not been already sent to an asylum; and in case the Governor orders him to be transferred to an asylum he may appoint a commission consisting of a police magistrate and two medical officers to make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and to report to the Governor who may order his discharge or detention as he thinks fit.

Procedure where lunatic confined under sections 369 or 374 is declared fit to be discharged.

378 (1) Whenever any relative or friend of any person confined under the provisions of section 369 or section 374 desires that the person shall be delivered over to his care and custody the Governor, upon the application of such relative or friend and on his giving security to the satisfaction of the Governor that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Delivery of lunatic to care of relative.

(2) Whenever such person is so delivered it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Governor directs.

(3) The provisions of sections 375 and 377 shall *mutatis mutandis* apply to persons delivered under the provisions of this section and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

379 A magistrate proceeding under section 367 may subject any accused person who is suspected to be of unsound mind to medical observation and remand such person once or oftener for such reasonable time as shall be specified

Persons suspected to be lunatics where and how to be remanded.

in the order of remand—either to the custody of the fiscal to be by him detained in prison or of the officer in charge of such house or place of observation as may be appointed by the Governor under the provisions of section 6 of “The Lunacy Ordinance, 1873,”* to be by such officer detained in such house or place of observation. And every person so remanded shall be subject to the inspection of the medical officer of the prison or of the house or place of observation in which he may be detained.

CHAPTER XXXIV.

Proceedings in case of certain Offences affecting the Administration of Justice.

Procedure in cases mentioned in section 147.

380 (1) When any civil or criminal court other than a police court is of opinion that there is ground for inquiring into any offence referred to in section 147, clauses (b) and (c), committed before it or brought under its notice in the course of a judicial proceeding such court may send the case for inquiry or trial to the nearest police court and may send the accused in custody or take sufficient security for his appearance before such police court and may bind over any person to appear and give evidence on such inquiry or trial, and such police court shall thereupon proceed according to law.

(2) Where the officer presiding in such court at the time the offence was committed before it or brought under its notice is also a magistrate of the nearest police court he shall not try the accused, but shall either himself hold an inquiry under chapter XVI. with a view to a committal for trial by a higher court or remand the accused to be tried by another magistrate of such police court.

(3) In the case of a police court the magistrate presiding in such court at the time the offence was committed before it or brought under its notice may either himself hold an inquiry under chapter XVI. with a view to committal for trial by a higher court or may remand the accused to be tried by another magistrate of his court.

Procedure in certain cases of contempt.

381 (1) Whenever any such offence as is described in sections 173, 176, 177, 178, or 223 of the Penal Code is committed in view or presence of any court, criminal or civil, other than the Supreme Court such court may cause the offender to be detained in custody and at any time before the rising of the court on the same day may if it thinks fit take cognizance of the offence and sentence the offender : if a district court, to a fine not exceeding one hundred rupees and in default of payment to simple imprisonment which may extend to two months unless such fine be sooner paid ; if a court of requests or a police court, to a fine not exceeding twenty-five rupees and in default of payment to simple imprisonment for one month unless such fine be sooner paid.

(2) In every such case the court shall record on the proceedings the facts constituting the offence with the statement (if any) made by the offender as well as the finding and sentence and shall forthwith transmit a copy of such

* Ordinance 1 of 1873.

record to the Supreme Court so that the Supreme Court may if it thinks fit exercise its power of revision.

(3) If the offence is under section 223 of the Penal Code the record must show the nature and stage of the judicial proceeding in which the court interrupted or insulted was sitting and the nature of the interruption or insult.

(4) The court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such court or on apology being made to its satisfaction, and in such case it shall be unnecessary to forward the record to the Supreme Court as hereinbefore is required.

382 (1) If the court in any case considers that a person accused of any of the offences referred to in the last preceding section and committed in its view or presence should be punished otherwise than there provided or such court is for any other reason of opinion that the case should not be disposed of under that section, such court after recording the facts constituting the offence and the statement of the accused as hereinbefore provided may proceed in manner following (that is to say): (a) if such court be a district court it may forward the case to the nearest police court and may require security to be given for the appearance of such accused person before such police court or if sufficient security is not given forward such person under custody to such police court and such police court shall thereupon proceed according to law; or (b) if such court be a police court it may hold an inquiry under chapter XVI. with a view to a committal for trial by a higher court; provided always that if such court as aforesaid be a district court and the officer presiding therein at the time the offence is committed is also a magistrate of the nearest police court he may hold such inquiry as such magistrate.

Procedure where court considers case should not be dealt with under section last preceding.

383 (1) If any person before a criminal court other than the Supreme Court refuses to answer such questions as are put to him or to produce any document in his possession or power which the court requires him to produce and does not offer any reasonable excuse for such refusal, such court may for reasons to be recorded in writing order him to be detained as a civil prisoner for any term not exceeding seven days unless in the meantime such person consents to be examined and to answer or to produce the document. In the event of his persisting in his refusal after the expiration of the said term he may be dealt with according to the provisions of sections 381 or 382.

Imprisonment or committal of person refusing to answer or produce document.

(2) In every case in which an order is made under this section the court shall record the facts of the refusal with the statement if any made by the person so refusing and shall send a copy of such record together with a copy of the order made by him to the Supreme Court so that the Supreme Court may if it thinks fit exercise its power of revision.

384 Except as provided in this chapter no district judge or police magistrate shall try any person for any offence referred to in section 147, clauses (b) and (c), when such offence is committed before himself or in contempt of his authority or is brought under his notice as such district judge or magistrate in the course of a judicial proceeding.

District judges and magistrates not try offences referred to in section 147 when committed before themselves.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXV.

Of Proceedings by the Attorney-General.

Attorney-General's powers to file informations.

385 The Attorney-General may exhibit to the Supreme Court informations for all purposes for which Her Majesty's Attorney-General for England may exhibit informations on behalf of the Crown in the High Court of Judicature, but no such information shall be exhibited for any offence punishable by death or by rigorous imprisonment for three years or upwards. Such proceedings may be taken upon every such information as may lawfully be taken in cases of similar informations filed by Her Majesty's Attorney-General in England so far as the circumstances of the case and the course and practice of proceeding in the said Supreme Court respectively will admit.

What persons are deemed to have been brought before the court.

386 All persons appearing before the Supreme Court under a commitment for trial or in pursuance of bail so to appear against whom an indictment is preferred shall unless the contrary is shown be deemed to have been brought before the court in due course of law and (subject to the provisions herein contained) shall be tried upon the indictment so preferred.

Attorney-General may appoint court to which commitment shall be made.

387 When a police magistrate has forwarded the proceedings in any case to the Attorney-General as required by section 157 the Attorney-General may, if he consider commitment desirable, name the court to which such commitment shall be made and in such event shall return such proceedings to the police court with the indictment drawn and signed by the Attorney-General.

Attorney-General may order person to be discharged.

388 The Attorney-General may at any stage of an inquiry by a police court, if he is of opinion that no further proceedings should be taken in the case against any accused, make an order in writing directing such accused to be discharged from the matter of the complaint, information, or charge and if such accused is in custody from further detention; and he shall transmit such order to the police court before which such case is pending or by which the accused was committed or held to bail as the case may be, and thereupon such police court shall cause the accused to be brought before it and discharged and shall record such order and the discharge made thereon upon the proceedings.

Attorney-General may order further evidence to be taken.

389 (1) If the Attorney-General is of opinion that a criminal offence is disclosed by the proceedings against the accused but that the evidence already taken by reason of being in any particular or respect defective is not sufficient to afford a foundation for a full and proper trial, then he may make in writing an order requiring the police court to take such further evidence as may be specified or indicated in the order either in the way of examining anew witnesses who have already given their testimony or otherwise to continue the inquiry. And upon making such order the Attorney-General shall return to the police court the proceedings together with his order for the purpose of the latter being carried into effect.

(2) The supplemental inquiry may be conducted in the police court by a magistrate thereof other than the magistrate who conducted the original inquiry.

390 (1) A police magistrate shall whenever required in writing by the Attorney-General forthwith transmit to the Attorney-General the proceedings in any case in which an inquiry or trial has been or is being held before him, and thereupon such inquiry or trial shall be suspended in the same and the like manner as upon an adjournment thereof.

Police magistrate to transmit proceedings to Attorney-General when required.

(2) It shall be competent for the Attorney-General upon the proceedings in any case being transmitted to him under the provisions of this section to give such instructions with regard to the inquiry to which such proceedings relate as he may consider requisite; and thereupon it shall be the duty of the police magistrate to carry into effect subject to the provisions of this Code the instructions of the Attorney-General and to conduct and conclude such inquiry in accordance with the terms of such instructions.

391 Whenever a police court shall have discharged an accused under the provisions of section 157 and the Attorney-General shall be of opinion that such accused should not have been discharged the Attorney-General may forward to it an indictment and direct it to commit such accused to the court nominated by the Attorney-General or order a police magistrate of such court to re-open the inquiry and may give such instructions with regard thereto as to him shall appear requisite; and thereupon it shall be the duty of such police magistrate to carry into effect such instructions.

Attorney-General may file an information when of opinion that an accused should not have been discharged.

392 (1) No person other than the Attorney-General, the Solicitor-General, Crown Counsel, or a pleader generally or specially authorized by the Attorney-General shall conduct the prosecution in any case into which the magistrate of a police court may be inquiring.

Attorney-General entitled to appear in all cases before magistrate.

(2) In the absence of the Attorney-General, the Solicitor-General, Crown Counsel, and a pleader generally or specially appointed by the Attorney-General the magistrate shall conduct the prosecution, but nothing in this section shall preclude the magistrate from availing himself if he considers it so desirable of the assistance of any pleader or public officer in the conduct of any inquiry.

393 The Solicitor-General and Crown Counsel may exercise all the powers conferred and perform all the duties imposed upon the Attorney-General by sections 158, 192, 387, 388, and 389; provided always that the power of discharge referred to in section 158 (1) (a) shall not be exercised by Crown Counsel without the previous sanction in each case of the Attorney-General or Solicitor-General.

Solicitor-General and Crown Counsel.

CHAPTER XXXVI.

Of Bail.

394 When any person other than a person accused of a non-bailable offence appears or is brought before a court and is prepared at any time at any stage of the proceedings before such court to give bail such person shall be released on bail. Provided that the court if it thinks fit may instead of taking

Bail to be taken in case of bailable offence.

bail from such person discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

395 (1) When any person accused of any non-bailable offence appears or is brought before a court he may be released on bail at the discretion of the court, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

(2) If it appears to the court at any stage of the inquiry or trial as the case may be that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry, the accused shall pending such inquiry be released on his executing a recognizance in such sum and with or without a surety or sureties as such court may direct conditioned for his appearance as hereinafter provided.

(3) When any person has been committed for trial by a police magistrate for any non-bailable offence other than an offence under sections 114, 191, 295, 296, or 297 of the Penal Code the police magistrate may in his discretion release the accused on bail. Any person charged under sections 114, 191, 295, 296, or 297 of the Penal Code may be admitted to bail by the authority of the Attorney-General.

(4) Any court may, at any subsequent stage of any proceeding under this Code cause any person who has been released under this section to be arrested and may commit him to custody.

Bail not to be excessive and Supreme Court may admit to bail in any case.

396 The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive; and the Supreme Court may in any case direct that any person be admitted to bail or that the bail required by a police magistrate be reduced or increased.

Bond of accused and sureties.

397 (1) Before any person is released on bail or released on his own bond a bond for such sum of money as the officer or court as the case may be thinks sufficient shall be executed by such person and when he is released on bail by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the Supreme or other court to answer the charge.

Discharge from custody.

398 (1) As soon as the bond has been executed the person for whose appearance it has been executed shall be released; and when he is in prison the court admitting him to bail shall issue an order of release to the officer in charge of the prison and such officer on receipt of the order shall release him.

(2) Nothing in this section section 394 or section 395 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

399 If through mistake, fraud, or otherwise insufficient sureties have been accepted or if they afterwards become insufficient, the court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and on his failing so to do may commit him to prison.

Power to order sufficient bail when that first taken is insufficient.

400 (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to the court to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties

(2) On such application being made the court shall issue a warrant of arrest directing that the person so released be brought before it.

(3) On the appearance of such person pursuant to the warrant or on his voluntary surrender the court shall direct the bond to be discharged either wholly or so far as relates to the applicants and shall call upon such person to find other sufficient sureties, and if he fails to do so may commit him to custody.

(4) A surety may at any time arrest the person for whose attendance and appearance he is a surety and forthwith bring him before a police court, which shall thereupon discharge such surety's bond and shall call upon such person to find another sufficient surety, and if he fails to do so shall commit him to custody.

CHAPTER XXXVII.

Of Commissions for the Examination of Witnesses.

401 Whenever in the course of an inquiry, trial, or other proceeding under this Code it appears to the court that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense, or inconvenience which under the circumstances of the case would be unreasonable, such court may dispense with such attendance and may after notice to the parties issue a commission to any police court within the local limits of whose jurisdiction such witness resides to take the evidence of such witness.

Court may issue commission for taking evidence of absent witness.

402 (1) The police court to which the commission is issued shall on receiving the commission summon before it the witness named in the commission; or if from ill-health or other cause his attendance cannot reasonably be procured the magistrate shall proceed to the place where the witness is.

Procedure on commission.

(2) The evidence of the witness shall be taken down by the magistrate in the same manner and such magistrate may for the purpose exercise the same powers as in holding inquiries under this Code.

403 (1) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court in which the proceeding has taken place may think relevant to the issue; and the magistrate taking the examination shall examine the witness upon such interrogatories.

Parties may examine witness.

(2) The accused may appear before such magistrate by pleader or if he is not in custody in person and may examine, cross-examine, and re-examine as the case may be the said witness.

Return of
commission.

404 After any commission has been duly executed it shall be returned together with the deposition of the witness examined thereunder to the court out of which it issued and the commission, the return thereo, and the deposition shall be open at all reasonable times to inspection of the parties and may subject to all just exceptions be read in evidence in the case by either party and shall form part of the record.

Adjournment of
inquiry or trial.

405 In every case in which a commission is issued under section 401 the inquiry, trial, or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XXXVIII.

Special Provisions relating to Evidence.

Deposition of
medical and
other special
witnesses and
reports of
government
analyst
receivable in
evidence in
certain cases.

406 (1) The deposition of a government medical officer or other medical witness taken and attested by a police magistrate in the presence of the accused may be given in evidence in any inquiry, trial, or other proceeding under this Code although the deponent is not called as a witness.

(2) Where the deposition of any witness is tendered in evidence for the purpose of proving the custody or disposal of any matter or thing forwarded in the course of any inquiry to any public officer for examination or analysis and report or of proving the custody or disposal of any instrument, weapon, matter, or thing used in or about the commission of an offence, such deposition if it purports to have been taken and attested by a police magistrate in the presence of the accused may be given in evidence in any inquiry, trial, or proceeding under this Code although the deponent is not called as a witness.

(3) Any document purporting to be a report under the hand of the government analyst upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code may be used as evidence in any inquiry, trial, or other proceeding under this Code. Provided that nothing in this section shall affect the necessity of proving the identity of the subject placed in the analyst's hands to be analyzed with the subject of which his analysis is needed for the trial of the case.

(4) The court may presume that the signature of any such document is genuine and that the person signing it held the office he professed to hold at the time he signed it. Provided that in any case in which the police magistrate or any advocate of the Supreme Court engaged in such case shall certify that in his opinion it would be necessary or expedient that the government medical officer or other medical witness referred to in sub-section (1) or the witness referred to in sub-section (2) or the government analyst referred to in

sub-section (3) should be present to give evidence at any particular inquiry, trial, or other proceeding to which the deposition or report may refer, such government medical officer or other medical witness or witness or government analyst as the case may be shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution.

(5) The court may if it thinks fit summon and examine such deponent or government analyst as to the subject-matter of his deposition.

407 If it be proved that an accused has absconded and that there is no immediate prospect of arresting him the court competent to try or commit for trial such accused for the offence complained of may in his absence examine the witnesses (if any) produced on behalf of the prosecution and record their depositions. Any such deposition may on the arrest of such accused be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense, or inconvenience which under the circumstances of the case would be unreasonable.

Record of evidence in absence of accused.

408 Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceeding taken against him.

When receivers, &c., charged evidence of other cases allowed.

409 Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property and evidence has been given that the stolen property has been found in his possession, then if such person has within five years immediately preceding been convicted of any offence involving fraud or dishonesty evidence of such previous conviction may be given at any stage of the proceedings and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen: Provided that not less than seven days' notice in writing shall have been given to the accused that proof is intended to be given of such previous conviction and it shall not be necessary for the purposes of this section to enter in the indictment the previous conviction of the person so accused.

When evidence of previous conviction may be given.

CHAPTER XXXIX.

Provisions as to Bonds.

410 When any person is required by any court to execute a bond without sureties such court may, except in the case of a bond for good behaviour, permit him to deposit a sum of money either in current coin or notes to such amount as the court may fix in lieu of executing such bond.

Deposit instead of recognizance.

Procedure on forfeiture of bond.

411 (1) Whenever it is proved to the satisfaction of the court by which a bond under this Code has been taken or when the bond is for appearance before a court to the satisfaction of such court that such bond has been forfeited, the court shall record the grounds of such proof and may call upon any person bound by such bond to pay the penalty thereof or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid the court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable or immovable property belonging to such person.

(3) Such warrant may be executed within the local limits of the jurisdiction of the court which issued it and it shall authorize the distress and sale of any movable or immovable property belonging to such person without such limits when endorsed by district judge or police magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty be not paid and cannot be recovered by such attachment and sale the person so bound shall be liable by order of the court which issued the warrant to simple imprisonment for a term which may extend to six months.

(5) The court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Power to direct levy of amount due on recognizances.

412 The Supreme Court or a district court may direct any police magistrate to levy the amount due on a bond to appear and attend at such Supreme Court or district court.

CHAPTER XL.

Of the Disposal of Property the subject of Offences.

Order for disposal of property regarding which offence committed.

413 (1) When an inquiry or trial in any criminal court is concluded the court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) When the Supreme Court or a district court makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto under such order such court may direct that the order be carried into effect by a police magistrate.

(3) When an order is made under this section in a case in which an appeal lies such order shall not (except when the property is live stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or when such appeal is presented within such period until such appeal has been disposed of.

(4) In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed not only such property as has been originally in the possession or under the control of any party but also

any property into or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.

414 In lieu of making an order under the last preceding section the Supreme Court or a district court may direct the property to be delivered to a police magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Order may take form of reference to police court.

415 When any person is convicted of any offence which includes or amounts to theft or receiving stolen property and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen and that any money has on his arrest been taken out of the possession of the convicted person, the court may on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Payment to innocent purchaser of money found on accused.

416 The Supreme Court may direct any order under the foregoing sections of this chapter made by a district or police court to be stayed pending consideration by the Supreme Court and may modify, alter, or annul such order.

Stay of order under this chapter.

417 (1) On a conviction under sections 285, 286, 481, or 482 of the Penal Code the court may order the destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the court or remain in the possession or power of the person convicted.

Destruction of libellous and other matters.

(2) The court may in like manner on a conviction under sections 265, 266, 267, or 268 of the Penal Code order the food, drink, drug, or medical preparation in respect of which the conviction was had to be destroyed.

418 (1) Whenever a person is convicted of an offence attended by criminal force and it appears to the court that by such force any person has been dispossessed of any immovable property, the court may if it thinks fit order such person to be restored to the possession of the same.

Power to restore possession of immovable property.

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

419 (1) The seizure by any police officer of property taken under section 29 or alleged or suspected to have been stolen or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a police magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof or if such person cannot be ascertained respecting the custody and production of such property.

Procedure by notice upon seizure of property taken under section 29, or stolen.

(2) If the person so entitled is known the police magistrate may order the property to be delivered to him on such conditions (if any) as the magistrate thinks fit. If such person is unknown the magistrate may detain it and shall in such case issue a public notification specifying the articles of which such property consists and requiring any person who may have a claim thereto to come before him and establish his claim within six months from the date of such public notification.

(3) Such notification shall be published in the *Government Gazette* if the value of the property amounts to one hundred rupees.

Procedure where no claimant appears within six months.

420 (1) If no person within such period establishes his claim to such property and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government and may be sold under the orders of the police magistrate.

(2) In the case of every order made under this section an appeal shall lie to the Supreme Court.

Power to sell perishable property.

421 If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay or the police magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the magistrate may at any time direct it to be sold and the provisions of the last two preceding sections shall as nearly as may be practicable apply to the net proceeds of such sale.

CHAPTER XLI.

Transfer of Criminal Cases.

Transfers.

422 (1) Whenever it is made to appear to the Supreme Court—

- (a) That a fair and impartial inquiry or trial cannot be had in any criminal court subordinate thereto; or
- (b) That some question of law of unusual difficulty is likely to arise; or
- (c) That a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same; or
- (d) That an order under this section will tend to the general convenience of the parties or witnesses.

It may order—

That any offence be inquired into or tried by any court not empowered by this Code, but in other respects competent to inquire into or try such offence; or

That any particular criminal case be transferred to and tried before itself; or

That a person committed for trial in one circuit be tried in another circuit.

(2) Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Attorney-General or Solicitor-General or Crown Counsel, be supported by affidavit.

(3) When an accused person makes an application under this section the Supreme Court may if it thinks fit direct him to execute a bond with or without sureties conditioned that he will if convicted pay the costs of the prosecution.

(4) Every accused person making any such application shall give to the Attorney-General notice in writing of the application together with a copy of the grounds on which it is made and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

CHAPTER XLII.

Of Irregularities in Proceedings.

423 No judgment of any criminal court shall be set aside merely on the ground that the inquiry, trial, or other proceedings in the course of which it was passed took place in a wrong local area unless it appears that such error occasioned a failure of justice.

Proceedings in wrong place.

424 If any court before which a deposition of a witness or a statement of an accused recorded under the provisions of this Code is tendered in evidence finds that the provisions of this Code have not been fully complied with by the police magistrate recording the evidence or statement, it shall take evidence that such accused duly gave the evidence or made the statement recorded; and notwithstanding section 91 of the Ceylon Evidence Ordinance* such evidence or statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Non-compliance with provisions of Code.

425 Subject to the provisions hereinbefore contained no judgment passed by a court of competent jurisdiction shall be reversed or altered on appeal or revision on account—

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

Of any error, omission, or irregularity in the complaint, summons, warrant, charge, judgment, or other proceedings before or during trial or in any inquiry or other proceedings under this Code; or

Of the want of any sanction required by section 147; or

Of the omission to revise any list of assessors;

unless such error, omission, irregularity, or want has occasioned a failure of justice.

426 No distress made under this Code shall be deemed unlawful nor shall any person making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, writ of distress, or other proceedings relating thereto.

Distress not illegal for defect in proceedings.

* O. 14 of 1895.

GENERAL PROVISIONS.

CHAPTER XLIII.

Official police
magistrate is a
magistrate
under part I.
of said Act.

427 Every official magistrate of a police court is a magistrate by this Code provided to exercise jurisdiction to hear a case and commit a fugitive to prison to await his return under part I. of the Imperial Fugitive Offenders' Act, 1881, as is required by section 30 of the said Act.

Affidavits before
whom sworn.

428 Subject to general rules any affidavit may be used in a Criminal Court if it is sworn—

- (a) In this island before any person generally or specially authorized by the Supreme Court to administer oaths in the Supreme Court or any district judge or police magistrate ;
- (b) In England before any person authorized to administer oaths in Her Majesty's High Court of Justice or in the Court of Chancery of the County Palatine of Lancaster or before any Registrar of a Bankruptcy Court or before any officer of a Bankruptcy Court authorized in writing in that behalf by the Judge of the Court ;
- (c) In Scotland or in Ireland before a Judge Ordinary, Magistrate, or Justice of the Peace ;
- (d) In any other place before a magistrate or justice of the peace or other person qualified to administer oaths in that place (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British Minister or British Consul or by a notary public) or in any other way deemed sufficient by the court ;
- (e) Before any person authorized by the Supreme Court to receive oaths out of the colony.

Power to
summon material
witness or
examine person
present.

429 Any court may at any stage of an inquiry, trial, or other proceeding under this Code summon any person as a witness or examine any person in attendance though not summoned as a witness or recall and re-examine any person already examined ; and the court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power of court
to order prisoner
in jail to be
brought up for
examination.

430 (1) Any criminal court desirous of examining as a witness in any case pending before the court any person confined in any prison within the local limits of the jurisdiction of such court may issue an order to the officer in charge of the said prison requiring him to bring such prisoner in proper custody at a time to be therein named to the court for examination.

(2) The officer so in charge on receipt of such order shall act in accordance therewith and shall provide for the safe custody of the prisoner during his absence from the prison for the purpose aforesaid.

431 Subject to any rules made by the Governor in Executive Council the Supreme Court may at the conclusion of any trial held before it order payment on the part of the Government of the reasonable expenses incurred by any complainant or witness in attending such trial or the inquiry preliminary thereto.

Expenses of complainant or witnesses.

432 (1) Whenever a criminal court imposes a fine or the Supreme Court confirms in appeal, revision, or otherwise a sentence of fine or a sentence of which fine forms a part such court may order the whole or any part of the fine recovered to be applied—

Power of court to pay expenses or compensation out of fine.

(a) In defraying expenses properly incurred in the prosecution; or

(b) In compensation for the injury caused by the offence committed where substantial compensation is in the opinion of the court recoverable by civil suit.

(2) If the fine is imposed in a case which is subject to appeal no such payment shall be made before the period allowed for presenting the appeal has elapsed or if an appeal be presented before the decision of the appeal.

(3) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum paid or recovered as compensation under this section.

433 Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Money ordered to be paid recoverable as fines.

434 If any person affected by a judgment or final order of a criminal court desires to have a copy of any deposition or other part of the record he shall on applying for such copy be furnished therewith by the Court upon payment therefor of such reasonable sum not exceeding ten cents for a folio of 100 words as the Court may direct, unless the court for some special reason thinks fit to furnish it free of cost.

Copies of proceedings.

435 (1) The Governor in Executive Council may make rules consistent with this Code and "The Army Act, 1881," or any similar law for the time being in force as to the cases in which persons subject to military law shall be tried by a court to which this Code applies; and when any person is brought before a police magistrate and charged with an offence for which he is liable under "The Army Act, 1881," section 41, to be tried by a court, martial such magistrate shall have regard to such rules and shall in proper cases deliver him together with a statement of the offence of which he is accused to the commanding officer of the regiment, corps, or detachment to which he belongs or to the commanding officer of the nearest military station for the purpose of being tried by court-martial.

Delivery to military authorities of persons capable of being tried by court-martial.

(2) Every police magistrate shall on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place use his utmost endeavours to apprehend and secure any person accused of such offence.

Person released on bail to give address for service.

436 When any person is released on bail or on his own bond he shall give to the Court or officer taking such bail or bond an address at which service upon him of all notices and process may be made, and in any case where such person cannot be found or for other reasons such service on him cannot be affected any notice or process left for such person at such address shall be deemed to have been duly served upon him.

Compensation for groundlessly giving in charge.

437 (1) Whenever any person causes a peace officer to arrest another person, if it appears to the magistrate which takes cognizance of the case that there was no sufficient ground for causing such arrest he may award such compensation not exceeding twenty-five rupees, to be paid by the person so causing the arrest, to the person so arrested for his loss of time and expenses in the matter as the magistrate thinks fit.

(2) In such cases if more persons than one are arrested the magistrate may in like manner award to each of them such compensation not exceeding twenty-five rupees as such magistrate thinks fit.

(3) All compensation awarded under this section may be recovered as if it were a fine and if it cannot be so recovered the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the magistrate directs, unless such sum be sooner paid.

(4) Such compensation shall be no bar to an action for false imprisonment.

Power to compel restoration of abducted females.

438 Upon complaint made to a police magistrate or district judge on oath of the abduction or unlawful detention of a woman or of a female child under the age of fourteen years for any unlawful purpose he may after such inquiry as he may deem fit, if such woman or child is within his division or district as the case may be, make an order for the immediate restoration of such woman to her liberty or of such female child to her husband, parent, guardian, or other person having the lawful charge of such child and may compel compliance with such order using such force as may be necessary.

Summary trial of witness on alternative charges for giving false evidence.

439 (1) If in the course of a trial by jury before the Supreme Court any witness shall on any material point contradict either expressly or by necessary implication the evidence previously given by him at the inquiry before the police magistrate, it shall be lawful for the presiding judge upon the conclusion of such trial to have such witness arraigned and tried by the same jury on an indictment for intentionally giving false evidence in a stage of a judicial proceeding, which indictment shall be prepared and signed by the registrar.

(2) At such trial it shall be sufficient to prove that the accused made the contradictory statements alleged in the indictment and it shall not be necessary to prove which of such statements is false.

(3) The presiding judge may if he considers expedient adjourn the trial of such witness for such period as he may think fit and may commit such witness to custody or take bail in his own recognizance or with sureties for his appearance; and such adjourned trial shall be before the same or any other jury as the judge may direct.

440 (1) If any person giving evidence on any subject in open court in any judicial proceeding under this Code gives, in the opinion of the court before which the judicial proceeding is held, false evidence within the meaning of section 188 of "The Penal Code" it shall be lawful for the court if such court be the Supreme Court summarily to sentence such witness as for a contempt of the court to imprisonment either simple or rigorous for any period not exceeding three months or to fine such witness in any sum not exceeding two hundred rupees, or if such court be an inferior court to order such witness to pay a fine not exceeding fifty rupees and in default of payment of such fine to undergo rigorous imprisonment for any period not exceeding two months. Whenever the power given by this section is exercised by a court other than the Supreme Court the judge or magistrate of such court shall record the reasons for imposing such fine.

Summary
punishment for
perjury in open
court.

(2) Any person who has undergone any sentence of imprisonment or paid any fine imposed under this section shall not be liable to be punished again for the same offence.

(3) Any person against whom any order is made by any court other than the Supreme Court under sub-section (1) of this section may appeal to the Supreme Court and every such appeal shall be subject to the provisions of this Code.

(4) In lieu of exercising the power given by this section the court may if it thinks fit transmit the record of the judicial proceeding to the Attorney-General to enable him to exercise the powers conferred on him by this Code or proceed in manner provided by section 380.

(5) Nothing in this section contained shall be construed as derogating from or limiting the powers and jurisdiction of the Supreme Court or the judges thereof.

441 The Judges of the Supreme Court or any two of them, of whom the Chief Justice shall be one, may from time to time make rules and may repeal and amend the same when made prescribing forms for every proceeding in the said courts or in the Supreme Court for which it considers that a form should be provided.

Supreme Court
power to make
rules.

Provided that the rules and forms made and prescribed under this section shall not be inconsistent with this Code or any other law in force for the time being.

442 Subject to the power conferred by the last preceding section and by "The Courts Ordinance, 1889,"* the forms set forth in the third schedule with such variation as the circumstances of each case require shall be used for the respective purposes therein mentioned.

Forms.

* O. 1 of 1889.

Public servants
not to bid at
sales under this
Code.

443 A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Prescription of
crimes and
offences.

444 The right of prosecution for murder or treason shall not be barred by any length of time, but the right of prosecution for any other crime or offence (save and except those as to which special provision is, or shall be made by law) shall be barred by the lapse of twenty years from the time when the crime or offence shall have been committed.

Temporary Provision.

Pending suits.

445 The provisions of this Code shall apply so far as may be to all cases pending when this Code comes into force.

SCHEDULES.

SCHEDULE I.

ORDINANCES REPEALED.

1 Number and Year.	2 Title.	3 Extent of Repeal.
2 of 1883...	An Ordinance to provide a General Penal Code for this Colony	Sections 55 and 56
3 of 1883 ...	An Ordinance for regulating the Procedure of the Courts of Criminal Judicature	The whole Ordinance
36 of 1884 ...	An Ordinance to further provide for the trial of certain Offences subsequent to the time at which "The Criminal Procedure Code, 1883," shall come into operation	The whole Ordinance
1 of 1888 ...	An Ordinance to amend "The Criminal Procedure Code, 1883"	The whole Ordinance
1 of 1889...	An Ordinance to consolidate and amend the Laws relating to Courts and their Powers and Jurisdictions	Section 38
22 of 1890...	An Ordinance to amend "The Criminal Procedure Code, 1883"	The whole Ordinance
6 of 1891...	An Ordinance to permit the conditional release of First Offenders in certain cases	The whole Ordinance
27 of 1892...	An Ordinance to empower Police Magistrates to try certain offences in a more expeditious manner than is provided in "The Criminal Procedure Code, 1883"	The whole Ordinance
8 of 1896...	An Ordinance to dispense with Commitments for Trial to District Courts in Cases where the Police Court and District Court are presided over by the same officer	The whole Ordinance
15 of 1896...	An Ordinance for the Repression of Crime in this Colony	Chapter 1 and section 17

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

Explanatory Notes.

(1) The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of the sections, the number of which is given in the first column.

(2) The entries in the third column of this schedule are not intended in any way to restrict the powers of arrest without warrant which may be lawfully exercised by Peace Officers.

Section	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter V.—Abetment.			
102	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted
103	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Same	Same
104	Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso	Same	Same
106	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Same	Same
107	Abetment of any offence, if abettor is present when offence is committed	Same	Same
108	Abetment of an offence punishable with death, if the offence be not committed in consequence of the abetment	Same	Same
	If an act which causes harm be done in consequence of the abetment	Same	Same
109	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment	Same	Same
	If the abettor, or the person abetted, be a public servant whose duty it is to prevent the offence	Same	Same
110	Abetting the commission of an offence by the public or by more than ten persons	Same	Same
111	Concealing a design to commit an offence punishable with death or imprisonment for twenty years, if the offence be committed	Same	Same
	If the offence be not committed	Same	Same

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable
Same ...	Same ...	Same ...	The court by which the offence abetted is triable
Same ...	Same ...	The same punishment as for the offence intended to be abetted	The court by which the offence abetted is triable
Same ...	Same ...	The same punishment as for the offence committed	The court by which the offence abetted is triable
Same ...	Same ...	Same ...	The court by which the offence abetted is triable.
Not bailable ...	Not compound- able	Imprisonment of either de- scription for seven years, and fine	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for fourteen years, and fine	The court by which the offence abetted is triable
According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	Imprisonment extending to a quarter part of the longest term, and of any description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment extending to half of the longest term, and of any description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for three years, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Not compound able	Imprisonment of either de- scription for seven years, and fine	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for three years, and fine	The court by which the offence abetted is triable

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
112	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted
	If the offence be punishable with death,	Same	Same
	If the offence be not committed	Same	Same
113	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed	Same	Same
	If the offence be not committed	Same	Same
Chapter VI.—Offences against the State.			
114	Waging, or attempting to wage, war, or abetting the waging of war against the Queen	Shall not arrest without warrant	Warrant
115	Conspiring to commit certain offences against the State	Same	Same
116	Collecting arms, &c., with the intention of waging war against the Queen	Same	Same
117	Concealing with intent to facilitate a design to wage war	Same	Same
118	Attempt to bring the Queen into contempt	Same	Same
119	Assaulting Governor, &c., with intent to compel or restrain the exercise of any lawful power	Same	Same
120	Exciting, or attempting to excite, disaffection	Same	Same
121	Waging war against any Power in alliance or at peace with the Queen, or abetting the waging of such war	Same	Same

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
According as the offence abetted is bailable or not	Not compound- able	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Same	Imprisonment of either de- scription for ten years	The court by which the offence abetted is triable
According as the offence abetted is bailable or not	Same	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same ...	Same	Same ...	The court by which the offence abetted is triable
Same ...	Same	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Same	Death, or imprisonment for twenty years and forfeiture of property	
Same ...	Same	Imprisonment of either de- scription for twenty years, and fine	
Same ...	Same	Imprisonment of either de- scription for twenty years, and forfeiture of property	
Same ...	Same	Imprisonment of either de- scription for ten years, and fine	
Same ...	Same	Simple imprisonment for two years, and fine	
Same ...	Same	Imprisonment of either de- scription for seven years, and fine	
Same ...	Same	Simple imprisonment for two years and fine, or fine	
Same ...	Same	Imprisonment of either de- scription for ten years and fine, or fine	

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
122	Committing depredation on the territories of any Power in alliance or at peace with the Queen	Shall not arrest without warrant	Warrant ...
123	Receiving property taken by war or depredation, mentioned in sections 121 and 122	Same ...	Same ...
124	Public servant voluntarily allowing prisoner of State or war, in his custody, to escape	Same ...	Same ...
125	Public servant negligently suffering prisoner of State or war, in his custody, to escape	Same ...	Same ...
126	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner	Same ...	Same ...
Chapter VII.—Offences relating to the Army and Navy.			
128	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty	May arrest without warrant	Same ...
129	Abetment of mutiny, if mutiny is committed in consequence thereof	Same ...	Same ...
130	Abetment of an assault by an officer, soldier, or sailor, on his superior officer, when in the execution of his office	Same ...	Same ...
131	Abetment of such assault, if the assault is committed	Same ...	Same ...
132	Abetment of the desertion of an officer, soldier, or sailor	Same ...	Same ...
133	Habouring such an officer, soldier, or sailor, who has deserted	Same ...	Same ...
134	Deserter concealed on board merchant-vessel through negligence of master or person in charge thereof	Shall not arrest without warrant	Summons ..
135	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence	May arrest without warrant.	Warrant ...
137	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier	Same ...	Summons ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years and fine, and forfeiture of certain property	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Bailable ...	Same ...	Simple imprisonment for three years, and fine	
Not bailable ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Fine of five hundred rupees	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine, or both	Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine of one hundred rupees, or both	Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter VIII.—Offences against the Public Tranquillity.			
140	Being member of an unlawful assembly	May arrest without warrant	Summons ...
141	Joining an unlawful assembly, armed with any deadly weapon	Same ...	Warrant ...
142	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	Same ...	Same ...
144	Rioting ...	Same ...	Same ...
145	Rioting, armed with a deadly weapon ...	Same ...	Same ...
146	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence	According as arrest may be made, without warrant, for the offence or not	According as a warrant or summons may issue for the offence
147	Hiring, engaging, or employing persons to take part in an unlawful assembly	May arrest without warrant	According as to the offence committed by the person hired, engaged, or employed
148	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse	Same ...	Summons ...
149	Assaulting or obstructing public servant when suppressing riot, &c.	Same ...	Warrant ...
150	Wantonly giving provocation with intent to cause riot, if rioting be committed	Same ...	Same ...
	If not committed ...	Same ...	Summons ...
151	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant	Same ...
152	Person for whose benefit or on whose behalf a riot takes place, not using all lawful means to prevent it	Same ...	Warrant ...
153	Agent of owner or occupier for whose benefit a riot is committed, not using all lawful means to prevent it	Same ...	Same ...
154	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for six months or fine, or both	Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Same	District court
Same	Same	Same	District court
Same	Same	Imprisonment of either description for three years, or fine, or both	
According as the offence is bailable or not	According as the offence is compoundable or not	The same as for the offence	The court by which the offence is triable
Same	Not compoundable	The same as for a member of such assembly, and for any offence committed by any member of such assembly	District court
Bailable	Same	Imprisonment of either description for six months, or fine, or both	Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for one year, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for six months, or fine, or both	Police court
Same	Same	Fine of one thousand rupees	District court Police court
Same	Same	Fine	District court Police court
Same	Same	Same	District court Police court
Same	Same	Imprisonment of either description for six months, or fine, or both	Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
155	Being hired to take part in an unlawful assembly or riot	May arrest without warrant	Warrant ...
	Or to go armed ...	Same ...	Same ...
157	Committing affray ...	Same ...	Summons ...
Chapter IX.—Offences by or relating to Public Servants.			
158	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	Same ...	Same ...
159	Taking a gratification in order, by corrupt or illegal means, to influence a public servant	Same ...	Same ...
160	Taking a gratification for the exercise of personal influence with a public servant	Same ...	Same ...
161	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself	Same ...	Same ...
162	Public servants disobeying a direction of the law with intent to cause injury to any person	Same ...	Same ...
163	Public servant framing an incorrect document with intent to cause injury	Same ...	Same ...
164	Fraudulent or malicious infraction of duty by public servant in telegraph department	Same ...	Same ...
165	Misconduct by public servant in telegraph or postal department	Same ...	Same ...
166	Fraud by public servant in telegraph department	May arrest without warrant	Warrant ...
167	Injury to messages, &c., committed by public servants in postal or telegraph department	Same ...	Same ...
168	Personating a public servant ...	Same ...	Same ...
169	Wearing garb or carrying token used by public servant with fraudulent intent	Same ...	Summons ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for six months, or fine, or both	Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for one month, or fine of one hundred rupees, or both	Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	Police court
Same	Same	Same	
Same	Same	Simple imprisonment for one year, or fine, or both	District court
Same	Same	Imprisonment of either description for three years, or fine, or both	
Same	Same	Simple imprisonment for one year, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court. Police court
Same	Same	Imprisonment of either description for three months, or fine, which may extend to fifty rupees, or both	Police court
Same	Same	Imprisonment of either description, which may extend to two years, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for seven years, or fine, or both	District court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for three months, or fine of one hundred rupees, or both	Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter X.—Contempts of the lawful authority of Public Servants.			
170	Absconding to avoid service of summons or order proceeding from a public servant	Shall not arrest without warrant	Summons ...
	If summons or notice require attendance in person, &c., in a court of justice	Same ...	Same ...
171	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation	Same ...	Same ...
	If summons, &c., require attendance in person, &c., in a court of justice	Same ...	Same ...
172	Not obeying a legal order to attend at a certain place, in person or by agent, or departing therefrom without authority	Same ...	Same ...
	If the order require personal attendance, &c., in a court of justice	Same ...	Same ...
173	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document	Same ...	Same ...
	If the document is required to be produced in or delivered to a court of justice	Same ...	Same ...
174	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information	Same ...	Same ...
	If the notice or information required respects the commission of an offence, &c.	Same ...	Same ...
175	Knowingly furnishing false information to a public servant	Same ...	Same ...
	If the information required respects the commission of an offence, &c.	Same ...	Same ...
176	Refusing oath when duly required to take oath by a public servant	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	... Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	... Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	... Simple imprisonment for one month, or fine of fifty rupees, or both	The court in which the offence is committed, subject to the provisions of chapter XXXIV. ; or, if not committed in court, a police court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	... Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	... Same	Police court
Same	... Same	... Imprisonment of either description for two years, or fine, or both	District court
Same	... Same	... Simple imprisonment for six months, or fine of one hundred rupees, or both	The court in which the offence is committed, subject to the provisions of chapter XXXIV. ; or if not committed in a court, a police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
177	Being legally bound to state truth, and refusing to answer questions	Shall not arrest without warrant	Summons ...
178	Refusing to sign a statement made to a public servant when legally required to do so	Same ...	Same ...
179	Knowingly stating to a public servant on oath as true, that which is false	Same ...	Warrant ...
180	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person	Same ...	Summons ...
181	Resistance to the taking of property by the lawful authority of a public servant	Same ...	Same ...
182	Obstructing sale of property offered for sale by authority of a public servant	Same ...	Same ...
183	Obstructing public servant in discharge of his public function	Same ...	Same ...
184	Omission to assist public servant when bound by law to give such assistance	Same ...	Same ...
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Same ...	Same ...
185	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance, or injury to persons lawfully employed	Same ...	Same ...
	If such disobedience causes danger to human life, health, or safety, &c.	Same ...	Same ...
186	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act	Same ...	Same ...
187	Threatening any person to induce him to refrain from making a legal application for protection from injury	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Same	The court in which the offence is committed, subject to the provisions of chapter XXXIV.; or if not committed in a court, a police court
Same	Same	Simple imprisonment for three months, or fine of one hundred rupees, or both	Police court
Same	Same	Imprisonment of either description for three years, and fine	District court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	Same	Same	Police court
Same	Same	Imprisonment of either description for one month, or fine of one hundred rupees, or both	Police court
Same	Same	Imprisonment of either description for three months, or fine of one hundred rupees, or both	Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	Police court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for one year, or fine, or both	District court Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter XI.—False Evidence, and Offences Against Public Justice.			
190	Giving or fabricating false evidence, in a judicial proceeding	Shall not arrest without warrant	Warrant ...
	Giving or fabricating false evidence, in any other case	Same ...	Same ...
191	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	Same ...	Same ...
	If innocent person be thereby convicted and executed	Same ...	Same ...
192	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for seven years or upwards	Same ...	Same ...
193	Using, in a judicial proceeding, evidence known to be false or fabricated	Same ...	Same ...
194	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence	Same ...	Same ...
195	Using, as a true certificate, one known to be false in a material point	Same ...	Same ...
196	False statement made in any declaration which is by law receivable as evidence	Same ...	Same ...
197	Using, as true, any such declaration known to be false	Same ...	Same ...
198	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender: if a capital offence	Same ...	Same ...
	If punishable with imprisonment for ten years	Same ...	Same ...
	If punishable with less than ten years imprisonment	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compoundable	Imprisonment of either description for seven years, and fine	District court
Same	... Same	... Imprisonment of either description for three years, and fine	District court
Not bailable	... Same	... Rigorous imprisonment for ten years, and fine	
Same	... Same	... Death	
Same	... Same	... The same as for the offence	
According as the offence of giving such evidence is bailable or not	Same	... The same as for giving or fabricating false evidence	District court
Bailable	... Same	... The same as for giving false evidence	District court
Same	... Same	... Same	District court
Same	... Same	... Same	District court
Same	... Same	... Same	District court
Same	... Same	... Imprisonment of either description for seven years, and fine	
Same	... Same	... Imprisonment of either description for three years, and fine	District court
Same	... Same	... Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	Court by which the offence is triable

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
199	Intentional omission to give information of an offence by a person legally bound to inform	Shall not arrest without warrant	Summons ...
200	Giving false information respecting an offence committed	Same ...	Warrant ...
201	Secreting or destroying any document to prevent its production as evidence	Same ...	Same ...
202	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	Same ...	Same ...
203	Fraudulent removal or concealment, &c., of property, to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Same ...	Same ...
204	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Same ...	Same ...
205	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Same ...	Same ...
206	False claim in a court of justice ...	Same ...	Same ...
207	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Same ...	Same ...
208	False charge of offence made with intent to injure	Same ...	Same ...
	If offence charged be capital, or punishable with imprisonment for a term exceeding seven years	Same ...	Same ...
209	Harbouring an offender, if the offence be capital	May arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compound- able	Imprisonment of either de- scription for six months, or fine, or both	Police court
Same	... Same	... Imprisonment of either de- scription for two years, or fine, or both	District court Police court
Same	... Same	... Same	District court
Same	... Same	... Imprisonment of either de- scription for three years, or fine, or both	District court
Same	... Same	... Imprisonment of either de- scription for two years, or fine, or both	District court
Same	... Same	... Same	District court
Same	... Same	... Same	District court
Same	... Same	... Imprisonment of either de- scription for two years, and fine	District court
Same	... Same	... Imprisonment of either de- scription for two years, or fine, or both	District court
Same	... Same	... Same	District court
Same	... Same	... Imprisonment of either de- scription for seven years, and fine	District court
Same	... Same	... Imprisonment of either de- scription for five years, and fine	District court
Same	... Same	... Imprisonment of either de- scription for three years, and fine	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in first instance.
209	If punishable with imprisonment for one year and not for ten years	May arrest without warrant ...	Warrant ...
210	Taking gift, &c., to screen an offender from punishment, if the offence be capital	Shall not arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same ...	Warrant ...
	If with imprisonment for less than ten years	Same ...	Same ...
211	Offering gift or restoration of property in consideration of screening offender: if the offence be capital	Same ...	Same ...
	If punishable with imprisonment for ten years	Same ...	Same ...
	If with imprisonment for less than ten years	Same ...	Same ...
212	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	Same ...	Same ...
213	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital	May arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same ...	Same ...
	If with imprisonment for one year, and not for ten years	Same ...	Same ...
214	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture	Shall not arrest without warrant	Summons ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Ceylon Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, where offence committed by person harboured is triable by a police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by a police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by a police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, with or without fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
215	Public servant framing an incorrect record or writing, with intent to save person from punishment or property from forfeiture	Shall not arrest without warrant	Warrant ...
216	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender : if the offence be capital If punishable with imprisonment for ten years If with imprisonment for less than ten years	Same ... Same ... Same ...	Same ... Same ... Same ...
217	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice : if under sentence of death If under sentence of imprisonment for ten years or upwards If under sentence of imprisonment for less than ten years ; or lawfully committed to custody	Same ... Same ... Same ...	Same ... Same ... Same ...
218	Escape from confinement negligently suffered by a public servant	Same ...	Summons ...
219	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant ...
220	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody If charged with an offence punishable with imprisonment for ten years If charged with a capital offence ... If the person is sentenced to imprisonment for ten years or upwards	Same ... Same ... Same ... Same ...	Same ... Same ... Same ... Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compound- able	Imprisonment of either de- scription for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either de- scription for seven years, with or without fine	
Same ...	Same ...	Imprisonment of either de- scription for three years, with or without fine	District court
Same ...	Same ...	Imprisonment of either de- scription for two years, with or without fine	District court
Not bailable ...	Same ...	Imprisonment of either de- scription for fourteen years, with or without fine	
Same ...	Same ...	Imprisonment of either de- scription for seven years, with or without fine	District court
Bailable ...	Same ...	Imprisonment of either de- scription for three years, or fine, or both	District court
Same ...	Same ...	Simple imprisonment for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either de- scription for two years, or fine, or both	District court Police court, if person resisting or escaping, &c., charged with or convicted of of- fence cognizable by police court
Same ...	Same ...	Same ...	District court Police court
Not bailable ...	Same ...	Imprisonment of either de- scription for three years, and fine	District court
Same ...	Same ...	Imprisonment of either de- scription for seven years, and fine	District court
Same ...	Same ...	Same ...	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant. or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	If under sentence of death ...	May arrest without warrant	Warrant ...
221	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour	Same ...	Same ...
222	Violation of condition of remission of punishment	Shall not arrest without warrant	Summons ...
223	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	Same ...	Same ...
224	Personation of a juror or assessor	Same ...	Same ...
Chapter XII.—Offences relating to Coin and Government Stamps.			
226	Counterfeiting, or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant ...
227	Counterfeiting, or performing any part of the process of counterfeiting the Queen's coin	Same ...	Same ...
228	Making, buying, or selling instrument for the purpose of counterfeiting coin	Same ...	Same ...
229	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's coin	Same ...	Same ...
230	Possession of instrument or material for the purpose of using the same for counterfeiting coin	Same ...	Same ...
	If Queen's coin ...	Same ...	Same ...
231	Abetting in Ceylon the counterfeiting out of Ceylon of coin	Same ...	Same ...
232	Import or export of counterfeit coin, knowing the same to be counterfeit	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	
Bailable ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Not bailable ...	Same ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue	The court by which the original offence was triable
Bailable ...	Same ...	Simple imprisonment for six months, or fine of one thousand rupees, or both	The court in which the offence is committed, subject to provisions of chapter XXXIV.
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Not bailable ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	The punishment provided for abetting the counterfeiting of such coin within Ceylon.	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
233	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit	May arrest without warrant	Warrant ...
234	Having any counterfeit coin, known to be such when it came into possession, and delivering, &c., the same to any person	Same ...	Same ...
235	The same with respect to the Queen's coin	Same ...	Same ...
236	Knowingly delivering to another any counterfeit coin as genuine, which, when first possessed, the delivery did not know to be counterfeit	Same ...	Same ...
237	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Same ...	Same ...
238	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof	Same ...	Same ...
239	Fraudulently diminishing the weight or altering the composition of any coin	Same ...	Same ...
240	Fraudulently diminishing the weight or altering the composition of the Queen's coin	Same ...	Same ...
241	Altering appearance of any coin with intent that it shall pass as a coin of a different description	Same ...	Same ...
242	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description	Same ...	Same ...
243	Delivery to another of coin possessed with the knowledge that it is altered	Same ...	Same ...
244	Delivery of Queen's coin possessed with the knowledge that it is altered	Same ...	Same ...
245	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	Same ...	Same ...
246	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine of ten times the value of the coin counterfeited, or both	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
247	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	May arrest without warrant	Warrant ...
248	Counterfeiting a Government stamp ...	Same ...	Same ...
249	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Same ...	Same ...
250	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp	Same ...	Same ...
251	Sale of counterfeit Government stamp	Same ...	Same ...
252	Having possession of a counterfeit Government stamp	Same ...	Same ...
253	Using as genuine a Government stamp known to be counterfeit	Same ...	Same ...
254	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government	Same ...	Same ...
255	Using a Government stamp known to have been before used	Same ...	Same ...
256	Erasure of mark denoting that stamp has been used	Same ...	Same ...
Chapter XIII.—Offences relating to Weights and Measures.			
257	Use of instrument for weighing, knowing the same to be false	Shall not arrest without warrant	Summons ...
258	Using false weight or measure ...	Same ...	Same ...
259	Being in possession of false weights or measures for use	Same ...	Same ...
260	Making or selling false weights or measures for fraudulent use	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for two years, or fine of ten times the value of the coin	District court Police court
Bailable ...	Same ...	Imprisonment of either description for fifteen years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Bailable ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency, and Morals.			
262	Negligently doing any act known to be likely to spread infection of any diseases dangerous to life	May arrest without warrant	Summons ...
263	Maliciously doing any act known to be likely to spread infection of any disease dangerous to life	Same ...	Same ...
264	Knowingly disobeying any quarantine rule	Same ...	Same ...
265	Adulterating food or drink intended for sale so as to make the same noxious	Shall not arrest without warrant.	Same ...
266	Selling any food or drink as food and drink, knowing the same to be noxious	Same ...	Same ...
267	Adulterating any drug or medical preparation, intended for sale, so as to lessen its efficacy or to change its operation, or to make it noxious	Same ...	Same ...
268	Offering for sale, or issuing from a dispensary, any drug or medical preparation, known to have been adulterated	Same ...	Same ...
269	Knowingly selling, or issuing from a dispensary, any drug or medical preparation as a different drug or medical preparation	Same ...	Same ...
270	Defiling the water of a public spring or reservoir	May arrest without warrant	Same ...
271	Making atmosphere noxious to health ...	Shall not arrest without warrant	Same ...
272	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant	Same ...
273	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Same ...	Same ...
274	Exhibition of a false light, mark, or buoy	Same ...	Warrant ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compoundable	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	... Same	Imprisonment of either description for two years, or fine, or both	District court
Same	... Same	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	... Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court
Same	... Same	Same	Police court
Same	... Same	Same	Police court
Same	... Same	Same	Police court
Same	... Same	Same	Police court
Same	... Same	Imprisonment of either description for three months, or fine of fifty rupees, or both	Police court
Same	... Same	Fine of one hundred rupees	Police court
Same	... Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	... Same	Imprisonment of either description for seven years, or fine, or both	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
275	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life	May arrest without warrant	Summons ...
276	Causing danger, obstruction, or injury in any public way, or line of navigation	Same ...	Same ...
277	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant	Same ...
278	Dealing with fire, or any combustible matter, so as to endanger human life, &c.	May arrest without warrant	Same ...
279	So dealing with any explosive substance	Same ...	Same ...
280	So dealing with any machinery ...	Shall not arrest without warrant	Same ...
281	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it	Same ...	Same ...
282	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal	May arrest without warrant	Same ...
283	Committing a public nuisance ...	Shall not arrest without warrant	Same ...
284	Continuance of nuisance after injunction to discontinue	May arrest without warrant	Same ...
285	Sale, &c., of obscene books, &c. ...	Same ...	Warrant ...
286	Having in possession obscene books, &c., for sale or exhibition	Same ...	Same ...
287	Obscene songs ...	Same ...	Same ...
288	Keeping a lottery-office ...	Shall not arrest without warrant	Summons ...
	Publishing proposals relating to lotteries	Same ...	Same ...
289	Wilful omission of statutory authority	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	Same	Fine of one hundred rupees	Police court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Fine of fifty rupees, or imprisonment of either description for three months, or both	Police court
Same	Same	Simple imprisonment for six months, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three months, or fine, or both	Police court
Same	Same	Same	Police court
Same	Same	Same	Police court
Same	Same	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	Same	Fine of one hundred rupees	Police court
Same	Same	Fine	District court Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in first instance.
Chapter XV.—Offences relating to Religion.			
290	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	May arrest without warrant	Summons ...
291	Causing a disturbance to an assembly engaged in religious worship	Same	... Same ...
292	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse	Same	... Same ...
Chapter XVI.—Offences affecting the Human Body.			
<i>Of Offences affecting Life.</i>			
296	Murder	... Same	... Warrant ...
297	Culpable homicide, not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Same	... Same ...
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Same	... Same ...
298	Causing death by rash or negligent act	Same	... Same ...
299	Abetment of suicide Same	... Same ...
300	Attempt to murder Same	... Same ...
	If such act cause hurt to any person ...	Same	... Same ...
301	Attempt to commit culpable homicide	Same	... Same ...
	If such act cause hurt to any person	Same	... Same ...
302	Attempt to commit suicide	... Same	... Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Ceylon Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same	... Same	... Same	District court Police court
Same	... Same	... Same	District court Police court
Not bailable	... Same	... Death	
Same	... Same	Imprisonment of either description for twenty years, and fine	
Same	... Same	Imprisonment of either description for ten years, or fine, or both	
Bailable	... Same	Imprisonment of either description for five years, or fine, or both	
Not bailable	... Same	... Death	
Same	... Same	Imprisonment of either description for ten years, and fine	
Same	... Same	Imprisonment of either description for twenty years, and fine	
Bailable	... Same	Imprisonment of either description for three years, or fine, or both	District court
Same	... Same	Imprisonment of either description for seven years, or fine, or both	District court
Same	... Same	Simple imprisonment for one year, or fine, or both	District court Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	<i>Of the causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.</i>		
303	Causing miscarriage ...	Shall not arrest without warrant	Warrant ...
	If the woman be quick with child ...	Same ...	Same ...
304	Causing miscarriage without woman's consent	Same ...	Same ...
305	Death caused by an act done with intent to cause miscarriage	Same ...	Same ...
306	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Same ...	Same ...
307	Causing death of a quick unborn child by an act amounting to culpable homicide	Same ...	Same ...
308	Exposure of a child under twelve years of age by parent or person having care of it, with intention of wholly abandoning it	May arrest without warrant	Same ...
309	Concealment of birth by secret disposal of dead body	Same ...	Same ...
	<i>Of Hurt.</i>		
314	Voluntarily causing hurt ...	Same ...	Summons ...
315	Voluntarily causing hurt by dangerous weapons or means	Same ...	Warrant ...
316	Voluntarily causing grievous hurt ...	Same ...	Same ...
317	Voluntarily causing grievous hurt by dangerous weapons or means	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for ten years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for seven years, or fine, or both.	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Compoundable	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for three years, or fine, or both, whipping in addition	District court Police court
Same ...	Same	Imprisonment of either description for seven years, and fine. If person hurt is a woman or child, whipping in addition	District court
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine, whipping in addition	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
318	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence	May arrest without warrant	Warrant ...
319	Administering stupefying drug with intent to cause hurt, &c.	Same ...	Same ...
320	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence	Same ...	Same ...
321	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Same ...	Same ...
322	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Same ...	Same ...
323	Voluntarily causing hurt to deter public servant from his duty	Same ...	Same ...
324	Voluntarily causing grievous hurt to deter public servant from his duty	Same ...	Same ...
325	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons ...
326	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	Same ...
327	Doing any act which endangers human life or the personal safety of others	Same ...	Same ...
328	Causing hurt by an act which endangers human life, &c.	Same ...	Same ...
329	Causing grievous hurt by an act which endangers human life, &c.	Same ...	Same ...
<i>Of Wrongful Restraint and Wrongful Confinement.</i>			
332	Wrongfully restraining any person ...	Same ...	Same .

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compoundable	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for twenty years, and fine or whipping	
Bailable ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for ten years, and fine	
Bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Not bailable ...	Same ...	Imprisonment of either description for ten years, and fine	
Bailable ...	Compoundable	Imprisonment of either description for one month, or fine of fifty rupees, or both	Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for four years, or fine of two thousand rupees, or both	District court
Same ...	Not compoundable	Imprisonment of either description for three months, or fine of one hundred rupees, or both	Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for six months, or fine of one hundred rupees, or both	Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine of one thousand rupees, or both	District court
Same ...	Compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in first instance.
333	Wrongfully confining any person ...	May arrest without warrant	Summons ...
334	Wrongfully confining for three or more days	Same ...	Same ...
335	Wrongfully confining for ten or more days	Same ...	Same ...
336	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation	Shall not arrest without warrant	Same ...
337	Wrongful confinement in secret ...	May arrest without warrant	Same ...
338	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Same ...	Same ...
339	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Same ...	Same ...
<i>Of Criminal Force and Assault.</i>			
343	Assault or use of criminal force, otherwise than on grave provocation	Shall not arrest without warrant	Same ...
344	Assault or use of criminal force to deter a public servant from discharge of his duty	May arrest without warrant	Warrant ...
345	Assault or use of criminal force to a woman with intent to outrage her modesty	Same ...	Same ...
346	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons ...
347	Assault or criminal force in attempt to commit theft of property worn or carried by a person	May arrest without warrant	Warrant ...
348	Assault or use of criminal force in attempt wrongfully to confine a person	Same ...	Same ...
349	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant	Summons ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Compoundable	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Same ...	Not compoundable	Imprisonment of either description for two years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, in addition to imprisonment under any other section	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Compoundable	Imprisonment of either description for three months, or fine of fifty rupees, or both	Police court
Same ...	Not compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Same, and whipping ...	District court
Same ...	Compoundable	Imprisonment of either description for two years or fine, or both	District court Police court
Not bailable ...	Not compoundable	Same ...	Disrrict court Police court
Bailable ...	Same ...	Imprisonment of either description for one year, or fine of one-thousand rupees, or both	District court Police court
Same ...	Compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	Police court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
<i>Of Kidnapping Abduction, Slavery, and Forced Labour.</i>			
354	Kidnapping ...	May arrest without warrant	Warrant ...
355	Kidnapping or abducting in order to murder	Same ...	Same ...
356	Kidnapping or abducting with intent secretly and wrongfully to confine a person	Same ...	Same ...
357	Kidnapping or abducting a woman to compel a marriage, or to cause her defilement, &c.	Same ...	Same ...
358	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Same ...	Same ...
359	Concealing or keeping in confinement a kidnaped person	Same ...	Same ...
360	Kidnapping or abducting a child with intent to take property from the person of such child	Same ...	Same ...
361	Buying or disposing of any person as a slave	Shall not arrest without warrant	Same ...
362	Habitual dealing in slaves	May arrest without warrant	Same ...
<i>Of Rape.</i>			
364	Rape ...	Same ...	Same ...
<i>Of Unnatural Offences.</i>			
365	Unnatural offences ...	Same ...	Same ...
Chapter XVII.—Offences against Property.			
<i>Of Theft.</i>			
367	Theft ...	Same ...	Same ...
368	Theft of cattle or prædial produce ...	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Punishment for kidnapping or abduction	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Same ...	District court
Not bailable ...	Same ...	Imprisonment of either description for fifteen years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine, whipping in addition	
Same ...	Same ...	Imprisonment of either description for ten years, and fine, whipping in addition	
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court, when value of property stolen does not exceed one hundred rupees
Same ...	Same ...	Whipping in addition to punishment for theft	District court Police court, if value of property does not exceed fifty rupees

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
369	Theft in a dwelling house, &c. ...	May arrest without warrant	Warrant ...
370	Theft by clerk or servant of property in possession of master or employer	Same ...	Same ...
371	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it	Same ...	Same ...
<i>Of Extortion.</i>			
373	Extortion ...	Shall not arrest without warrant	Same ...
374	Putting or attempting to put in fear of injury, in order to commit extortion	Same ...	Same ...
375	Extortion by putting a person in fear of death or grievous hurt	Same ...	Same ...
376	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	Same ...	Same ...
377	Extortion by threat of accusation of an offence punishable with death or imprisonment for ten years	Same ...	Same ...
	If the offence threatened be an unnatural offence	Same ...	Same ...
378	Putting a person in fear of accusation of offence punishable with death, or with imprisonment for ten years, in order to commit extortion	Same ...	Same ...
	If the offence be an unnatural offence	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years, and fine	District court Police court, if value of property stolen does not exceed one hundred rupees
Same	... Same	... Same ...	District court Police court, if value of property stolen does not exceed one hundred rupees
Same	... Same	... Rigorous imprisonment for ten years, and fine, whipping in addition	
Bailable	... Same	... Imprisonment of either description for three years, or fine, or both	District court
Same	... Same	... Imprisonment of either description for two years, or fine, or both	District court Police court
Not bailable Same	... Imprisonment of either description for ten years, and fine	District court
Same	... Same	... Imprisonment of either description for seven years, and fine	District court
Same	... Same	... Imprisonment of either description for ten years, and fine, whipping in addition	
Same	... Same	... Rigorous imprisonment for twenty years, and fine, whipping in addition	
Same	... Same	... Imprisonment of either description for ten years, and fine, whipping in addition	
Same	... Same	... Rigorous imprisonment for twenty years, and fine, whipping in addition	

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	<i>Of Robbery.</i>		
380	Robbery ...	May arrest without warrant	Warrant ...
	If committed on the highway between sunset and sunrise	Same ...	Same ...
381	Attempt to commit robbery ...	Same ...	Same ...
382	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	Same ...	Same ...
383	Robbery, with attempt to cause death or grievous hurt	Same ...	Same ...
384	Attempt to commit robbery when armed with deadly weapon	Same ...	Same ...
385	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts	Same ...	Same ...
	<i>Of Criminal Misappropriation of Property.</i>		
386	Dishonest misappropriation of movable property, or converting it to one's own use	Shall not arrest without warrant	Same ...
387	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	Same ...	Same ...
	If by clerk or person employed by deceased	Same ...	Same ...
	<i>Of Criminal Breach of Trust.</i>		
389	Criminal breach of trust ...	May arrest without warrant	Same ...
390	Criminal breach of trust by a carrier, wharfinger, &c.	Same ...	Same ...
391	Criminal breach of trust by a clerk or servant	Same ...	Same ...
392	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compoundable	Rigorous imprisonment for ten years, and fine, whipping in addition	District court
Same ...	Same ...	Rigorous imprisonment for fourteen years, and fine, whipping in addition	District court
Same ...	Same ...	Rigorous imprisonment for seven years, and fine, whipping in addition	District court Police court
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Rigorous imprisonment for twenty years, whipping also	
Same ...	Same ...	Same	
Same ...	Same ...	Rigorous imprisonment for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
<i>Of the Receiving of Stolen Property.</i>			
394	Dishonestly receiving stolen property, knowing it to be stolen	May arrest without warrant	Warrant ...
395	Habitually dealing in stolen property	Same ...	Same ...
396	Assisting in concealment or disposal of stolen property, knowing it to be stolen	Same ...	Same ...
397	Receiving stolen cattle or prædial products	Same ...	Same ...
<i>Of Cheating.</i>			
400	Cheating ...	Shall not arrest without warrant	Same ...
401	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect	Same ...	Same ...
402	Cheating by personation ...	Same ...	Same ...
403	Cheating, and thereby dishonestly inducing delivery of property, or the making, alteration, or destruction of a valuable security	Same ...	Same ...
<i>Of fraudulent Deeds and Disposition of Property.</i>			
404	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors	Same ...	Same ...
405	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender	Same ...	Same ...
406	Fraudulent execution of deed of transfer, containing a false statement of consideration	Same ...	Same ...
407	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable.	Imprisonment of either description for three years, or fine, or both	District court Police court, when the value of the stolen property does not exceed one hundred rupees
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court, if value of stolen property does not exceed one hundred rupees
Same ...	Same ...	Whipping, in addition to other punishment	District court Police court, if value of stolen property does not exceed fifty rupees
Bailable ..	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ..	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall or finally issue in first instance.
<i>Of Mischief.</i>			
409	Mischief ...	Shall not arrest without warrant.	Summons ...
410	Mischief, and thereby causing damage to the amount of fifty rupees or upwards	Same ...	Warrant ...
411	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of ten rupees or upwards	May arrest without warrant	Same ...
412	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards	Same ...	Same ...
413	Mischief by causing a diminution of supply of water for agricultural purposes, &c.	Same ...	Same ...
414	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property	Same ...	Same ...
415	Mischief by causing inundation or obstruction to public drainage, attended with damage	Same ...	Same ...
416	Mischief by destroying or moving, or rendering less useful, a lighthouse or seamark, or by exhibiting false lights	Same ...	Same ...
417	Mischief by destroying or moving, &c., a landmark fixed by public authority	Shall not arrest without warrant	Same ...
418	Mischief by fire or explosive substance, with intent to cause damage to the amount of one hundred rupees or upwards	May arrest without warrant	Same ...
419	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Same ...	Same ...
420	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of twenty tons burthen	Same ...	Same ...
421	The mischief described in the last section, when committed by fire or any explosive substance	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishable under the Ceylon Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Compoundable	Imprisonment of either description for three months, or fine, or both	Police court
Same	... Same	Imprisonment of either description for two years, or fine, or both	District court Police court
Same	... Not compoundable	Same	District court Police court
Same	... Same	Imprisonment of either description for five years, or fine, or both	District court
Same	... Same	Same	District court Police court, where damage done does not exceed fifty rupees
Same	... Same	Same	District court
Same	... Same	Same	District court
Same	... Same	Imprisonment of either description for seven years, or fine, or both	District court
Same	... Same	Imprisonment of either description for one year, or fine, or both	District court Police court
Same	... Same	Imprisonment of either description for seven years, and fine	District court
Not bailable	... Same	Imprisonment of either description for fifteen years, and fine	District court
Same	... Same	Imprisonment of either description for ten years, and fine	District court
Same	... Same	Imprisonment of either description for twenty years, and fine	

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
422	Running vessel ashore, with intent to commit theft, &c.	May arrest without warrant	Warrant ...
423	Impeding the saving of a vessel ...	Same ...	Same ...
424	Removing or secreting wreck ...	Same ...	Same ...
425	Taking wreck into foreign port ...	Same ...	Same ...
426	Mischief committed after preparation made for causing death or hurt, &c. <i>Of Criminal Trespass.</i>	Same ...	Same ...
433	Criminal trespass ...	Same ...	Summons
434	House-trespass ...	Same ...	Warrant ...
435	House-trespass in order to the commission of an offence punishable with death	Same ...	Same ...
436	House-trespass in order to the commission of an offence punishable with imprisonment for ten years	Same ...	Same ...
437	House-trespass, in order to the commission of an offence punishable with imprisonment for less than ten years	Same ...	Same ...
	If the offence is theft ...	Same ...	Same ...
438	House-trespass, having made preparation for causing hurt, assault, &c.	Same ...	Same ...
439	Lurking house-trespass or house-breaking	Same ...	Same ...
440	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment	Same ...	Same ...
	If the offence is theft ...	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compound- able	Imprisonment of either de- scription for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either de- scription for five years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either de- scription for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either de- scription for five years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either de- scription for five years, and fine	District court
Bailable ...	Compoundable	Imprisonment of either de- scription for three months, or fine of one hundred rupees, or both	Police court
Same ...	Same ...	Imprisonment of either de- scription for one year, or fine of one thousand rupees, or both	District court Police court
Not bailable ...	Not compound- able	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Imprisonment of either de- scription for ten years, and fine	District court
Bailable ...	Same ...	Imprisonment of either de- scription for two years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either de- scription for seven years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either de- scription for two years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either de- scription for three years, and fine	District court
Same ...	Same ...	Imprisonment of either de- scription for ten years, and fine	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
441	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.	May arrest without warrant	Warrant ...
442	Lurking house-trespass or house-breaking by night	Same ...	Same ...
443	Lurking house-trespass or house-breaking by night in order to the commission of offence punishable with imprisonment	Same ...	Same ...
	If the offence is theft ...	Same ...	Same ...
444	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Same ...	Same ...
445	Grievous hurt caused whilst committing lurking house-trespass or house-breaking	Same ...	Same ...
446	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Same ...	Same ...
447	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Same ...	Same ...
448	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	Same ...	Same ...
449	Possession of house-breaking implements or offensive weapons	Same ...	Same ...
450	Being found in building for unlawful purpose	Same ...	Same ...
451	Loitering about by reputed thief ...	Same ...	Same ...
Chapter XVIII.—Offences relating to Documents and to Property-marks.			
454	Forgery ...	Shall not arrest without warrant	Same ...
455	Forgery of a record of a court of justice or of a register of births, &c., kept by a public servant	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine.	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for fourteen years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Same	
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine of fifty rupees, or both	Police court
Same ...	Same ...	Same ...	Police court
Same ...	Same ...	Imprisonment of either description for five years, or fine, or both	District court
Not bailable ...	Same ...	Imprisonment of either description for seven years, and fine	

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
456	Forgery of a valuable security will, or authority to make or transfer any valuable security, or to receive any money, &c.	Shall not arrest without warrant	Warrant ...
457	Forgery, for the purpose of cheating ...	Same ...	Same ...
458	Forgery, for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose	Same ...	Same ...
459	Using as genuine a forged document which is known to be forged	Same ...	Same ...
460	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable under section 456 of the Ceylon Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit	Same ...	Same ...
461	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under section 456 of the Ceylon Penal Code, or possessing with like intent any seal, plate, &c., knowing the same to be counterfeit	Same ...	Same ...
462	Having possession of a document, knowing it to be forged, with intent to use it as genuine, if the document is one of the description mentioned in section 455 of the Ceylon Penal Code	Same ...	Same ...
	If the document is one of the description mentioned in section 456 of the Ceylon Penal Code	Same ...	Same ...
463	Counterfeiting a device or mark used for authenticating documents scribed in section 456 of the Ceylon Penal Code, or possessing counterfeit marked material	Same ...	Same ...
464	Counterfeiting a device or mark used for authenticating documents other than those described in section 456 of the Ceylon Penal Code, or possessing counterfeit marked material	Same ...	Same ...
465	Sending false message by telegraph ...	Same ...	Same ...
466	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compoundable	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Punishment for forgery	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
471	Using a false property-mark, with intent to deceive or injure any person	Shall not arrest without warrant	Warrant ...
472	Counterfeiting a property-mark used by another, with intent to cause damage or injury	Same ...	Same ...
473	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property	Same ...	Same ...
474	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property-mark	Same ...	Same ...
475	Knowingly selling goods marked with a counterfeit property-mark	Same ...	Same ...
476	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Same ...	Same ...
477	Making use of any such false mark ...	Same ...	Same ...
478	Removing, destroying, or defacing any property-mark, with intent to cause injury	Same ...	Same ...
Chapter XIX.—Defamation.			
480	Defamation ...	Same ...	Same ...
481	Printing or engraving matter, knowing it to be defamatory	Same ...	Same ...
482	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Same ...	Same ...
Chapter XX.—Criminal Intimidation, Insult, and Annoyance.			
484	Insult intended to provoke a breach of the peace	Same ...	Same ...
485	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace	Same ...	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for one year, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three years, and fine	District court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court
Same	Same	Imprisonment of either description for one year, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court
Same	Same	Same	District court
Same	Same	Imprisonment of either description for one year, or fine, or both	District court Police court
Same	Compoundable	Simple imprisonment for two years, or fine, or both	
Same	Same	Same	
Same	Same	Same	
Bailable	Same	Imprisonment of either description for two years, or fine, or both	District court Police court
Not bailable	Not compoundable	Same	District court

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
486	Criminal intimidation ...	Shall not arrest without warrant	Warrant ...
	If threat be to cause death or grievous hurt, &c.	Same ...	Same ...
487	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes	Same ...	Same ...
488	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person	Same ...	Same ...
Chapter XXI.—Of Unlawful Oaths.			
489	Administering or taking, or abetting the taking, of an oath to commit an offence punishable with imprisonment for twenty years	Same ...	Same ...
	If offence is punishable with imprisonment for less than twenty years	Same ...	Same ...
Chapter XXII.—Attempts to commit Offences.			
490	Attempting to commit offence punishable with imprisonment, and in such attempt doing any act towards the commission of the offence	According as the offence is one in respect of which the police may arrest without warrant or not	According as the offence is one in respect of which a summons or warrant shall ordinarily issue
Offences against other Laws.			
	If punishable with death or imprisonment for seven years or upwards .	May arrest without warrant	Warrant ...
	If punishable with imprisonment for three years and upward, but less than seven	Same ...	Same ...
	If punishable with imprisonment for less than three years	Shall not arrest without warrant	Summons ...
	If punishable with fine only ...	Same	Same ...

Whether bailable or not.	Whether compoundable or not.	Punishable under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Not compoundable	Imprisonment of either description for seven years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, in addition to the punishment under above section	District court
Same ...	Same ...	Simple imprisonment for one month, or fine of one hundred rupees, or both	Police court
Same ...	Same ...	Imprisonment of either description for twenty years, or fine, or both	—
Same ...	Same ...	Same punishment as for offence to which oath relates	District court Police court
According as the offence contemplated by the offender is bailable or not	According as offences compoundable or not	Imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence attempted is triable
Not bailable ...	Not compoundable	—	According to the provisions of section 12 of this Code
Same ...	Same ...	—	
Bailable ...	Same ...	—	
Same ...	Same ...	—	

SCHEDULE III.

FORMS.

1.—Summons to an Accused Person.

In the Police Court of Colombo. } To Charles Fernando, of No. 157, Maradana road, Colombo, Boutique-keeper.

Whereas complaint hath this day been made before the undersigned, a Police Magistrate in and for the said division of Colombo, for that you did on the ... day of ..., 18..., on the highway at Dodampe, within the division aforesaid, voluntarily cause hurt to one Juanis Appu, of Dodampe aforesaid, by striking him with a club, and that you thereby committed an offence punishable under section 314 of the Penal Code :

These are therefore to command you in Her Majesty's name to be and appear in person WITH YOUR WITNESSES (if any) on Friday next, the 11th instant, at ten o'clock in the forenoon, at the Police Court at Hulftsdorp, Colombo, to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this ... day of ..., 18..., at Colombo, in the division aforesaid.

(Signed) X. Y.

N.B.—If you wish to call any witness who is unwilling to attend, you should apply at once to a Police Magistrate of this division for a summons to compel him to do so.

2.—Affidavit of Service of Summons.

(To be endorsed on Summons.)

I, C. D., of ..., Fiscal's Officer, ..., make oath and say (or do solemnly, sincerely, and truly declare and affirm) that I did on the ... day of ..., 18..., at ..., serve the within summons on the within named Charles Fernando, by delivering to him a duplicate thereof.

Signature of Deponent ...

Sworn (or affirmed) at ... this ... day of ..., 18..., before me (name and designation of officer administering the oath). If the deponent is a marksman, add these words : " I having first truly, distinctly, and audibly read over the contents of the above affidavit to the said deponent, who seemed perfectly to understand the same, and who made his mark thereto in my presence.

3.—Warrant of Arrest in default of Appearance to Summons.

In the Police Court of Colombo. } To (name and designation of the person or persons who is or are to execute the warrant).

Whereas on the ... day of ... last complaint was made before the undersigned, a Police Magistrate in and for the said division of Colombo, for that Charles Fernando, of No. 157, Maradana

road, Colombo, Boutique-keeper did on the _____ day of _____, 18—, on the highway at *Dodampe*, within the division aforesaid, voluntarily cause hurt to one *Juanis Appu*, of *Dodampe* aforesaid, by striking him with a club, and that he thereby committed an offence punishable under section 314 of the Penal Code :

And whereas I then issued my summons unto the said *Charles Fernando*, commanding him in Her Majesty's name to be and appear in person on *Friday*, the *11th instant*, at *ten o'clock* in the forenoon, at the Police Court of *Colombo* at *Hulftsdorp*, to answer to the said complaint, and to be further dealt with according to law :

And whereas the said *Charles Fernando* hath neglected to be and appear at the time and place so appointed in and by the said summons although it hath now been proved to me upon oath (or affirmation) that the said summons hath been duly served upon him :

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *Charles Fernando* and to bring him before the Police Court of *Colombo* at *Hulftsdorp* aforesaid to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this _____ day of _____, 18—, at *Hulftsdorp*, in the division aforesaid.

(Signed) X. Y.

4.—Warrant of Arrest in the First Instance.

In the Police Court of Colombo. } To (name and designation of the person or persons who is or are to execute the warrant).

Whereas complaint hath this day been made before the undersigned, a Police Magistrate in and for the said division of *Colombo*, for that *Kankanige Carolis Appu*, of *Wellawatta*, in the said division of *Colombo*, a cooly employed on the railway, did, on the night of *Friday* last, the *12th instant*, after sunset and before sunrise, break into the dwelling-house of one *Abraham Fernando*, at *Galkissa*, in the said division, in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code ; and oath being now made before me substantiating the matter of such complaint :

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *Kankanige Carolis Appu* and bring him before the Police Court of *Colombo* at *Hulftsdorp* to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this _____ day of _____, 18—, at *Hulftsdorp*, in the division aforesaid.

(Signed) _____.

5.—Proclamation requiring the Appearance of a Person accused.

In the Police Court of _____

Whereas a warrant was on the _____ day of _____, 18—, issued by the undersigned, a Police Magistrate in and for the said division of _____, for the apprehension of *A. B.*, of [here insert name, caste, place of residence, and occupation], to answer a complaint that he the said *A. B.* did on the _____ day of _____, 18—, at _____, within the jurisdiction of this court [as in warrant] :

And whereas a return has been made to the said warrant that the said *A. B.* cannot be found :

And whereas it has been shown to my satisfaction that the said *A. B.* has absconded [or is concealing himself] and that it is therefore impossible to execute the said warrant :

Proclamation is hereby made that the said *A. B.* is required to appear at the court-house at _____ on the _____ day of _____, 18—, at _____ o'clock in the forenoon, to answer the said complaint.

Given under my hand this _____ day of _____, 18—, at _____, in the division aforesaid.

(Signed) *X. Y.*

6.—Warrant of Commitment on a Sentence of Imprisonment.

In the District Court of *Colombo.*

To the Fiscal of the *Western Province*, and to the Superintendent of the Prison at *Welikada.*

Whereas *Kankanige Carolis Appu*, late of *Wellawatta*, *Cooly employed on the Railway*, was this day duly convicted before the undersigned, a Judge of the said Court, for that he did on the *11th day of February, 1896*, at *Galkissa*, in the said District of *Colombo*; after sunset and before sunrise, break into the dwelling-house of *Abraham Fernando* in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code, and was thereby sentenced to rigorous imprisonment for the term of two years :

These are therefore to command you, the said Fiscal of the *Western Province*, to take the said *Kankanige Carolis Appu* and him safely convey to the prison at *Welikada* aforesaid, and there to deliver him to the Superintendent thereof together with this precept.

And I do hereby command you, the said Superintendent of the said prison, to receive the said *Kankanige Carolis Appu* into your custody in the said prison and there carry the aforesaid sentence into execution, and for your so doing this shall be your sufficient warrant.

Given under my hand this _____ day of _____, 18—, at *Colombo*, in the District aforesaid.

District Judge.

7.—Summons to a Witness.

In the Police Court of *Colombo.* } To *Don Charles Appuhani*, of *No. 179, Maradana road, Colombo, boutique-keeper.*

Whereas complaint has been made before the Police Court of the division of *Colombo* for that (*here state as in the summons or warrant issued against the accused*), and it has been made to appear to me, a Police Magistrate for the said division, upon oath, that you are likely to give material evidence for the prosecution (*or defence*) :

These are therefore to require you to be and appear at the court-house at *Hulftsdorp, Colombo*, on the _____ day of _____, 18—, at ten o'clock in the forenoon, before such Magistrate as may then be there, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court ; and you are hereby warned that if you shall, without just excuse, neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand this _____ day of _____, 18—, at *Hulftsdorp*, in the division aforesaid.

8.—Warrant remanding a Prisoner.

In the Police Court of Colombo.	}	To the Fiscal of the <i>Western Province</i> and to the Superintendent of the Prison at <i>Welikada</i> .
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Whereas on the _____ day of _____, 18 —, complaint was made to the Police Court of *Colombo* for that *Kankanige Carolis Appu*, of *Wellawatta*, *conly employed on the Railway*, did on the _____ day of _____ [as in the summons or warrant against the accused] :

And whereas owing to the absence of a material witness for the prosecution it has become necessary to adjourn the inquiry into the matter of the said complaint to the _____ day of _____, 18 —, at 10 o'clock in the forenoon, and it is necessary that the said *Kankanige Carolis Appu* should in the meantime be kept in safe custody [if offence bailable add: "he having failed to give security in the sum of Rs. _____ demanded"] :

These are therefore to command you, the said Fiscal, in Her Majesty's name, forthwith to convey the said *Kankanige Carolis Appu* to the prison at *Welikada* and there deliver him into the custody of the Superintendent thereof.

And I hereby command you, the said Superintendent, to receive the said *Kankanige Carolis Appu* into your custody in the said prison and there safely keep him until the _____ day of _____, 18—, where you are hereby required to convey and have him at the time and place to which the said inquiry is so adjourned as aforesaid before the undersigned, a Police Magistrate in and for this division of *Colombo*, or before such other Police Magistrate for the said division as may then be there, to answer further to the said complaint and to be further dealt with according to law.

Given under my hand this _____ day of _____, 18—, at *Hulftsdorp*, in the division of *Colombo* aforesaid.

X. Y.

9.—Warrant of Commitment on a Sentence of Imprisonment passed by a Magistrate.

In the Police Court of Colombo.	}	To the Fiscal of the <i>Western Province</i> and the Superintendent of the Prison at <i>Welikada</i> .
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Whereas *Charles Fernando* was this day duly convicted before the undersigned, an Official Police Magistrate in and for the said division of *Colombo*, for that he on the *11th of February, 1897*, at *Dodampe*, within the said division, voluntarily caused hurt to one *Juanis Appu*, and thereby committed an offence punishable under section 314 of the Penal Code, and was thereby sentenced to one month's rigorous imprisonment :

These are therefore to command you, the said Fiscal, to take the said *Charles Fernando* and him safely convey to the prison at *Welikada* aforesaid, and there to deliver him to the Superintendent thereof together with this precept.

And I do hereby command you, the said Superintendent of the said prison, to receive the said *Charles Fernando* into your custody in the said prison and there carry the aforesaid sentence into execution, and for your so doing this shall be your sufficient warrant.

Given under my hand this _____ day of _____, 18—, at *Colombo*, in the division aforesaid.

X. Y.

N.B.—In case of an appeal the prisoner may be released on giving a recognizance in Rs. 100 with two sureties.

10.—Recognizance on Appeal against a Conviction.

In the Police Court of *Colombo*.

Be it remembered that on the _____ day of _____, 18 —, *Ferdinando de Silva*, of No. 159, *Kollupitiya*, *Colombo*, *boutique-keeper*, and *Don Charles Appuhami*, of No. 239, *the Pettah*, *Colombo aforesaid*, *plumbago merchant*, and *Charles Fernando*, of No. 157, *Maradana road*, *Colombo aforesaid*, *boutique-keeper*, personally came before me, a Police Magistrate in and for the said division, and acknowledged themselves to owe our Lady the Queen the sum of Rs. 100 each, to be levied of their property movable and immovable to the use of our said Lady the Queen, her heirs and successors, if default shall be made in the condition following :

Whereas by a certain conviction under the hand of *William Henry Moor, Esq.*, an Official Police Magistrate for the division aforesaid, the said *Charles Fernando* is convicted for that he on [*state offence as stated in conviction*]:

And whereas the said *Charles Fernando* has preferred an appeal against the said conviction :

Now the condition of this recognizance is such that if the said *Charles Fernando* shall abide the judgment of the Supreme Court and pay such costs (if any) as shall by the said Court be awarded, then this recognizance to be void.

Taken and acknowledged before me _____.

X. Y.

11.—Form of Indictment.

Kankanige Carolis Appu, of *Wellawatta* :

You are indicted at the instance of the Honourable *Charles Peter Layard*, Her Majesty's Attorney-General, and the charge against you is that on the night of *Friday*, the *22nd of April, 1896*, after sunset and before sunrise, you did break into the dwelling-house of one *Abraham Fernando* at *Galkissa*, in the District of *Colombo*, in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code.

(Signed) *C. P. L.*

List of Productions.

1. Statement of accused made before the Police Court of *Colombo* on the *15th of April, 1896*.
2. A crowbar.
3. A mamoty.
4. Extract from the Information Book kept at the Police Station at *Galkissa*.

List of Witnesses.

1. The said *Abraham Fernando*.
2. *Maria Fernando*, wife of the said *Abraham Fernando*.
3. *Don Charles Appuhami*, Police Vidane of *Galkissa*.
4. *William Thomas*, Police Sergeant at *Galkissa*.

12.—Form of Petition of Appeal.

In the Supreme Court of the Island of Ceylon.

To the Honourable the Chief Justice and the other Justices of the said Court.

The petition of *A. B.*
Showeth as follows :—

1. Your petitioner,^o the above-named *A. B.*, was charged with [*here describe the charge shortly*] and convicted [*or acquitted*] in the Police Court of _____ held at _____ on the _____ day of _____, 18 —, and the following judgment was passed thereon :—
[*Here state shortly the substance of the judgment.*]

2. Your petitioner is dissatisfied with the said judgment on the grounds following :—

[*Here state the grounds of appeal on which the petitioner relies, numbering them consecutively.*]

3. Your petitioner prays that such judgment may be reversed, or that such order may be made as justice may require.

(Signed) _____

[*If the appeal raises a point of law, the following certificate should be added:* "I certify that the matter of law stated in the _____ ground of appeal is a fit question for adjudication by the Supreme Court."

(Signed) *C. D.*
Advocate.]

* If the Attorney-General is the appellant, omit the words "Your petitioner" in paragraph 1.

13.—Form of Special Case.

In the Supreme Court of the Island of Ceylon.

In the matter of a complaint in which *A. B.* was complainant and *G. H.* defendant.

Case stated by the undersigned under the provisions of section 353 of "The Criminal Procedure Code, 1897."

At the Police Court of _____ held at _____ before the undersigned on the _____ day of _____ 18 —, *G. H.*, the above-named defendant, was charged as follows :—

[*Here state the charge as in warrant or summons.*]

At the hearing of the said charge it was proved [*here set out so much of the facts proved as is necessary to raise the question or questions of law intended to be admitted*].

It was thereupon contended on the part of the defendant [*here state the legal objection taken*].

But I being of opinion that [*here state the ground on which the Court decided the case*] held that [*here state the decision and judgment of the Court*].

The question for the opinion of this Court is whether the said determination was correct in point of law, and what should be done in the premises.

Dated the _____ day of _____ 18 —.

(Signed) *X. Y.*

14.—Form of Oath to be taken by Officer to whose charge a Jury is committed.

You shall suffer none to speak to them, nor shall you speak to them yourself without the leave of the Judge, except only to ask them whether they are agreed.

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