



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

CODE OF CRIMINAL PROCEDURE
(AMENDMENT)
ACT, No. 4 OF 1995

[Certified on 10th February, 1995]

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Code of Criminal Procedure (Amendment)
Act No. 4 of 1995

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L.D.—O 2/92.

AN ACT TO AMEND THE CODE OF CRIMINAL PROCEDURE ACT,
No. 15 OF 1979

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Code of Criminal Procedure (Amendment) Act, No. 4 of 1995.

Short title.

2. Section 291 of the Code of Criminal Procedure Act, No. 15 of 1979 (hereinafter referred to as the "principal enactment") is hereby amended by the repeal of subsection (4) of that section and the substitution therefor of the following subsection :—

Amendment
of section
291 of
Act No 15
of 1979.

(4) (a) Where an offender has been sentenced to fine only and to imprisonment in default of the fine, the Court shall except in any case where the offender pays the entire sum due as a fine in full, do all or any of the following things :—

- (i) allow time for the payment of the said fine ;
- (ii) direct payment to be made of the said fine by instalments ;
- (iii) direct that the person liable to pay the said fine shall be at liberty to give to the satisfaction of the court a bond, in the relevant prescribed form with or without a surety or sureties, for the payment of the said fine or any instalment thereof and such bond may be given and enforced in the manner provided by this Code :

Provided that, where the court has done all or any of the things specified in subparagraphs (i), (ii), and (iii) in respect of an offender who has been sentenced to fine only and to imprisonment in default of such fine, the court shall not, except in exceptional circumstances and for reasons to be recorded, do all or any of the things specified in such sub-paragraphs, in respect of that offender, in the event of a subsequent default by the same offender in respect of the same offence.

(b) Where any person is, on the date on which this subsection comes into force, serving a period of imprisonment in default of payment of a fine, it shall be the duty of the superintendent of the prison in which such person is serving his sentence, to produce such person before the court which sentenced him, for steps to be taken in accordance with paragraph (a).

(c) Where any payment has to be made under sub-paragraph (i) or (ii) or paragraph (a), the payment shall be made at any approved bank or office of any Divisional Secretary or Post Office, within the period specified by the Court directing the making of such payment, and for this purpose, the Court shall issue to the offender, a statement in the prescribed form setting out the amount of the fine, the amount of each instalment, the number of instalments in which the fine shall be paid and other relevant details, to be produced by the offender at such Bank, office of any Divisional Secretary or Post Office when making such payment. The Bank, Divisional Secretary or Post Master of such Post Office shall, upon accepting payment of such fine or instalment, as the case may be, make an endorsement to that effect on the statement, return such statement to the offender and shall forward proof of payment of such fine or instalment, as the case may be, in the prescribed form, to the Court directing the making of such payment, not later than two weeks of the making of such payment.

(d) In this subsection "approved bank" means any licensed commercial bank, within the meaning of the Banking Act, No. 30 of 1988, as the Minister may specify by Order published in the Gazette.

Amendment
of second
Schedule
to the
principal
enactment.

3. The Second Schedule to the principal enactment is hereby amended by the addition at the end of that Schedule of the following new forms:—

"No. 19

FORM OF BOND TO BE GIVEN (WITHOUT SURETIES) FOR
PAYMENT OF FINE

[Section 291 (4)]

On this day of 19, I of....
(Name and address of offender) hereby firmly bind myself to pay
to Court the sum of rupees being payment of the fine
which I was sentenced by Court to pay, in respect of Case No....

The condition of the said Bond is that if I the said.....
(name of offender) shall pay the said fine at the (office
of the Divisional Secretary, Bank or Post Office) ininstal
ments of Rs..... within a period of months I shall be
released from the said bond failing which payment, I shall be
taken into custody to serve the period of imprisonment in respect
of my default.

When released under this bond my residence to which notices etc., are to be addressed will be as follows :—

.....
.....

Signed
Offender.

Date:

Taken and acknowledged before me on the day of
.....19.....

Signed
Registrar.

No. 20

FORM OF BOND TO BE GIVEN (WITH SURETIES) FOR
PAYMENT OF FINE

[Section 291(4)]

On this day of 19..... I of
(Name, occupation and address of offender) a principal debtor
and I/We of (Name, occupation and address of
surety/sureties) as surety/sureties do bind ourselves, jointly and
severally to pay to court, the sum of Rs. such sum being
the fine to which (name of offender) has been sentenced
by court to pay in respect of Case No.

The condition of the said Bond is that the said offender shall
be bound to pay as principal debtor the fine of Rs. at
the (Office of the Divisional Secretary. Bank or Post
Office) in instalments of Rs. within a period
of months.

In the event of the offender failing to pay the said amount in
accordance with the above condition, I/We the (Name of
surety/sureties) mentioned herein personally undertake to pay
the said fine.

Signed
Offender.

.....
Surety/Sureties.

Date:

Taken and acknowledged before me on the Day of
.....19.....

Signed
Registrar.

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No. 21

FORM OF STATEMENT TO BE ISSUED TO OFFENDER

[Section 291 (4)]

Case No.

In the High Court holden at

In the Magistrate's Court of

In the Primary Court of

By the judgment/Order pronounced/made by the Judge of the High Court/Magistrate/Judge of the Primary Court in the above-mentioned case, you (Name and address of offender) were sentenced to a fine in the amount of and to imprisonment in default of the fine.

You are hereby ordered by Court to produce this Statement at Bank, Office of any Divisional Secretary or Post Office and pay the fine imposed on you at such Bank. Office of any Divisional Secretary or Post Office, in instalment of Rs. each on or before (This statement will be returned to you by the Bank, Divisional Secretary or Post Master upon accepting payment of the fine or instalment, to enable you to pay the subsequent instalments).

By Order of Court,

Registrar.

FORM 22

FORM IN RESPECT OF PROOF OF PAYMENT

[Section 291 (4)]

Case No:

To the Registrar of the Court.

This is to acknowledge receipt of Rs. from (Name and address of offender) on as payment of the fine/instalment he has been ordered by Court to pay in respect of Case No.

Date:

Signed

Bank Manager/Divisional
Secretary/Post Master."

SEAL

Sinhala
text to
prevail
in case of
inconsistency.

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

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