



**CRIMINAL PROCEDURE  
(SPECIAL PROVISIONS) LAW,  
No. 15 OF 1978  
OF  
THE NATIONAL STATE ASSEMBLY**

[Certified on 23rd May, 1978]

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*Criminal Procedure (Special Provisions)  
Law, No. 15 of 1978*

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L. D.—O. 34/78

A LAW TO PROHIBIT OR RESTRICT THE RELEASE ON BAIL BY CERTAIN COURTS OF PERSONS WHO SURRENDER OR ARE PRODUCED IN CONNECTION WITH THE COMMISSION OF CERTAIN OFFENCES, TO PROHIBIT THE IMPOSITION OF SUSPENDED SENTENCES OF IMPRISONMENT ON, AND THE CONDITIONAL RELEASE OF, PERSONS CONVICTED OR GUILTY OF SUCH OFFENCES AND TO PROVIDE FOR THE IMPOSITION OF A MINIMUM PUNISHMENT FOR SUCH OFFENCES.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows :—

1. This Law may be cited as the Criminal Procedure (Special Provisions) Law, No. 15 of 1978.

Short title.

2. Notwithstanding anything to the contrary in any other written law—

Provisions in any written law relating to grant of bail not to apply to persons who surrender or are produced in connection with the commission of certain offences.

(a) every court before which any person surrenders himself or is produced on arrest on an allegation that he has committed or has been concerned in committing, or is suspected to have committed or to have been concerned in committing, an offence set out in the First Schedule hereto shall keep such person on remand until the conclusion of the trial ;

(b) every court before which any person surrenders himself or is produced on arrest on an allegation that he has committed or has been concerned in committing, or is suspected to have committed or to have been concerned in committing, an offence set out in the Second Schedule hereto shall keep such person on remand until the conclusion of the trial except in exceptional circumstances where the court before which he

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surrenders himself or is produced may after recording its reasons therefor release him on bail ;

- (c) every person convicted by any court of any offence set out in the First or Second Schedule hereto, shall notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal :

Provided, however, that the Supreme Court may in exceptional circumstances release on bail any person referred to in paragraph (a), (b) or (c).

Provisions of the Administration of Justice Law, No. 44 of 1973, relating to certain punishments not to apply to persons convicted or guilty of certain offences.

3. Notwithstanding anything in the Administration of Justice Law, No. 44 of 1973—

- (a) the provisions of section 239 of that Law shall not apply in the case of any person who is convicted ;
- (b) the provisions of section 250 of that Law shall not apply in the case of any person who pleads or is found guilty,

by or before any court of any offence set out in the First or Second Schedule hereto.

Imposition of minimum punishment.

4. Notwithstanding anything in any other written law—

- (a) every court which convicts a person of an offence set out in the First or Second Schedule hereto which is punishable with imprisonment, shall, notwithstanding its ordinary powers of punishment, impose on such person, in addition to any other punishment which it may lawfully impose for the offence, a sentence of imprisonment for a period of not less than one-third of the maximum period of imprisonment for which he may be sentenced for such offence ; and

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3.

(b) the Supreme Court in appeal or in revision shall not, unless it sets aside the conviction of any person for an offence set out in the First or Second Schedule hereto, set aside the sentence of imprisonment imposed on such person for such offence or substitute therefor a sentence of imprisonment for a period which is less than one-third of the maximum period of imprisonment for which he may be sentenced for such offence.

5. Every court shall give priority to the trial of any person charged with or indicted of any offence set out in the First or Second Schedule hereto and to the hearing of any appeal from the conviction of any such offence and sentence imposed on such conviction.

Priority to be given to the hearing of trials of offences set out in the Schedules and appeals from conviction.

6. The Attorney-General shall be made a party to any application made to the Supreme Court by any person for the exercise by such Court of its powers under the provisions of this Law.

Attorney-General to be made party to any application made to the Supreme Court.

7. The provisions of this Law shall also apply to the following offences set out in the First Schedule hereto, committed prior to the date of commencement of this Law :—

Application of this Law to certain offences committed prior to the date of commencement of this Law.

Section 296 of the Penal Code

Section 383 of the Penal Code

Section 384 of the Penal Code

Sections 2, 3, 4, 5 and 6 of the Offensive Weapons Act, No. 18 of 1966.

8. The provisions of this Law shall be in operation for a period of one year from the date of its commencement.

Duration of this Law.

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**FIRST SCHEDULE**

| <i>Enactments and Sections<br/>Applicable</i>               | <i>Nature of Offence</i>   |
|---|--|
| 1. Section 114 of the Penal Code                            | Waging war against the State or attempting to or abetting the waging of war  |
| 2. Section 115 of the Penal Code                            | Conspiracy to wage war against the State   |
| 3. Section 116 of the Penal Code                            | Collecting arms, &c., with the intention of waging war   |
| 4. Section 117 of the Penal Code                            | Concealing of the existence of a design to wage war  |
| 5. Section 119 of the Penal Code                            | Assaulting the Head of State or Member of Parliament, with intent to compel or restrain the exercise of any lawful power |
| 6. Section 191 of the Penal Code                            | Giving or fabricating false evidence with intent to procure conviction of a capital offence                              |
| 7. Section 296 of the Penal Code                            | Murder   |
| 8. Section 380 of the Penal Code                            | Robbery committed on the highway between sunset and sunrise  |
| 9. Section 383 of the Penal Code                            | Robbery with attempt to cause death or grievous hurt   |
| 10. Section 384 of the Penal Code                           | Attempting to commit robbery armed with deadly weapon  |
| 11. Section 385 of the Penal Code                           | Belonging to any wandering gang of thieves   |
| 12. Sections 101 to 113B (inclusive) of the Penal Code      | Abetting, conspiring, &c., to commit any offence set out in this Schedule.   |
| 13. Section 2 of the Offensive Weapons Act, No. 18 of 1966  | Importation, manufacturing, possessing, selling, exposing for sale, supplying, acquiring, &c., of offensive weapons      |
| 14. Section 3 of the Offensive Weapons Act, No. 18 of 1966. | Damage, destruction, &c., to property by the use of offensive weapons  |

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| <i>Enactments and Sections<br/>Applicable</i>               | <i>Nature of Offence</i>   |
|---|--|
| 15. Section 4 of the Offensive Weapons Act, No. 18 of 1966. | Causing injury or attempting to cause death or injury with offensive weapons |
| 16. Section 5 of the Offensive Weapons Act, No. 18 of 1966. | Attempt to commit offences under the Offensive Weapons Act, No. 18 of 1966.  |
| 17. Section 6 of the Offensive Weapons Act, No. 18 of 1966. | Abetment of offences under the Offensive Weapons Act, No. 18 of 1966.        |
| 18. Section 22 of the Firearms Ordinance                    | Possession of unlicensed firearms  |

SECOND SCHEDULE

| <i>Penal Code Sections<br/>Applicable</i> | <i>Nature of Offence</i>   |
|---|--|
| 1. Section 120                            | .. Exciting or attempting to excite disaffection to the Government otherwise than by lawful means, or to promote hostility between different classes |
| 2. Section 300                            | ... Attempt to murder  |
| 3. Section 371                            | .. Theft after preparation made for causing death or hurt in order to commit theft   |
| 4. Section 373                            | ... Extortion  |
| 5. Section 380                            | .. Robbery other than robbery committed on the highway between sunset and sunrise  |
| 6. Section 381                            | .. Attempt to commit robbery   |
| 7. Section 382                            | .. Voluntarily causing hurt in committing robbery  |
| 8. Section 395                            | .. Habitually dealing in stolen property   |
| 9. Section 418                            | Mischief by fire or explosive substance with intent to cause damage to the amount of one hundred rupees or upwards                                   |

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*Penal Code Sections  
Applicable*

*Nature of Offence*

- |                                      |  |
|--------------------------------------|--|
| 10. Section 419                      | Mischief by fire or explosive substance with intent to destroy a house which is ordinarily used as a place of worship, or as a human dwelling, or as a place for the custody of property |
| 11. Section 420                      | Mischief with intent to destroy or make unsafe a decked vessel or vessel of a burden of ten tons or upwards  |
| 12. Section 426                      | Mischief committed after preparation made for causing death or hurt  |
| 13. Section 440                      | .. Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment   |
| 14. Section 441                      | .. Lurking house-trespass or house-breaking after preparation made for causing hurt to any person  |
| 15. Section 442                      | .. Lurking house-trespass or house-breaking by night   |
| 16. Section 443                      | .. Lurking house-trespass or house-breaking by night in order to commit an offence   |
| 17. Section 444                      | .. Lurking house-trespass or house-breaking by night after preparation made for causing hurt to any person   |
| 18. Section 445                      | .. Grievous hurt caused while committing house-trespass or house-breaking  |
| 19. Section 446                      | .. Persons jointly concerned in lurking house-trespass or house-breaking by night causing death or grievous hurt by one of their number  |
| 20. Section 490                      | .. Attempting to commit any offence aforesaid which is punishable with imprisonment where no express provision is made for the punishment of such attempt                                |
| 21. Sections 101 to 113B (inclusive) | Abetting, conspiring, &c., to commit any offence set out in this Schedule.   |