

No. 6 of 1891.

An Ordinance to permit the Conditional Release of First Offenders in certain Cases.

(See No. 3 of 1883.)

Preamble.

WHEREAS it is expedient to make provision for cases where the reformation of persons convicted of first offences may be brought about without imprisonment: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

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

1 (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

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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.

2 (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.

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

(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 or deputy fiscal for the district in which the court is situated, and the offender, together with the warrant, shall forthwith be forwarded to the prison of the district in which the court remanding him is situated, or of the district where he is bound to appear for judgment, 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.

3 The court before directing the release of an offender under this Ordinance 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.

Conditions as to the abode of the offender.

4 In this Ordinance the term "court" includes a police court.

Definition of "court."

5 This Ordinance may be cited as "The Probation of First Offenders' Ordinance, 1891."

Short title.

4th October, 1891.