

No. 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."

(See No. 3 of 1883.)

WHEREAS it is expedient to make provision for the trial of certain petty offences in a more expeditious manner than is provided in "The Criminal Procedure Code, 1883:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 Notwithstanding anything contained in "The Criminal Procedure Code, 1883," and "The Criminal Procedure Code Amendment Ordinance, 1890," any police magistrate specially empowered in this behalf may try in manner hereinafter provided all or any of the following offences:

Power to try in a summary way certain cases.

- (a) Offences against the Ceylon Penal Code, sections 157, 257, 258, 259, 270, 271, 272, 278, 279, 282, 283, 285, 286, 287, 289, 314, 325, 327, 332, 343, 409, 433, 434, 484, and 488.
- (b) Theft under sections 367, 369, and 370 of the same Code, where the value of the property stolen does not exceed fifty rupees.
- (c) Receiving or retaining stolen property under section 394 of the same Code, where the value of such property does not exceed fifty rupees.
- (d) Assisting in the concealment or disposal of stolen property under section 396 of the same Code, where the value does not exceed fifty rupees.
- (e) Offences against any other Ordinance and against the by-laws, rules, or regulations made under or in pursuance thereof punishable with a fine not exceeding fifty rupees, or with imprisonment for a term not exceeding three months, or with both.
- (f) Abetment of any of the foregoing offences.
- (g) An attempt to commit any of the foregoing offences when such attempt is an offence.

Criminal Procedure.

Procedure.

2 In trials under this Ordinance the procedure prescribed by sections 216, 217, 218, and sub-section (1) of section 219, and sections 220, 221, 222, 223, 224, 228, 229, 230, 236 of the chapter substituted by "The Criminal Procedure Code Amendment Ordinance, 1890," for chapter XIX. of "The Criminal Procedure Code, 1883," so far as they are applicable, shall be followed, subject to the provisions hereinafter contained.

Particulars to be recorded.

3 The police magistrate, in cases tried under this Ordinance, need not record at length the evidence of the witnesses or the statement of the accused, or frame a formal charge, but he shall enter in such form, as the Governor in Executive Council may direct, the following particulars :

- (a) The serial number ;
- (b) The name and residence of the complainant (if any) ;
- (c) The name and residence of the accused ;
- (d) The offence complained of, and the offence (if any) proved, and in cases coming under sub-section (b), sub-section (c), or sub-section (d) of section 1, the value of the property in respect of which the offence has been committed ;
- (e) The plea of the accused and his examination (if any) ;
- (f) A concise memorandum of the substance of what each witness deposes (which shall be recorded as the examination of each witness proceeds) ;
- (g) The finding, and, in the case of a conviction, a brief statement of the reasons therefor ;
- (h) The substance of the statement (if any) made by the accused ; and
- (i) The sentence or other final order.

Record in cases under this Ordinance.

4 The particulars mentioned in the preceding section shall be the only record in cases coming under this Ordinance.

Finding not limited by complaint.

5 A police magistrate may in any proceedings under this Ordinance convict the accused of any offence triable under this Ordinance which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or information. Provided that the particulars of the offence shall have been stated to the accused, and he has had an opportunity of making his defence ; but in no case shall it be necessary to frame a formal charge.

Limit of imprisonment.

6 No sentence of imprisonment exceeding one month, or fine exceeding twenty-five rupees, shall be passed in the case of any conviction under this Ordinance.

Governor may empower magistrate to act under this Ordinance.

7 The Governor in Executive Council, after consultation with the judges of the Supreme Court, may, by notification in the *Government Gazette*, confer on any police magistrate power to try under the provisions of this Ordinance all or any of the offences mentioned in section 1.

14th December, 1892.