



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**CODE OF CRIMINAL PROCEDURE
(AMENDMENT)**

A

BILL

**to amend the Code of Criminal Procedure
Act, No. 15 of 1979**

Presented by the Minister of Justice on 06th of April, 2018

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Ordered by Parliament to be printed

[Bill No. 243]

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause inserts new section 122A in the Code of Criminal Procedure Act, No. 15 of 1979 and the legal effect of the amendment is to enable the officer in charge of a police station to cause, a child of, or above twelve years of age and under fourteen, alleged to have committed an offence, to be examined with the consent of the parent or guardian of such child, by a Government medical officer or other expert in the relevant field, in order to assist the Magistrate to form his opinion on the maturity of understanding of such child, to act in compliance with the provisions of section 76 of the Penal Code.

Code of Criminal Procedure (Amendment)

L. D.—O. 42/2016.

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. of 2018. Short title.

5 2. The following new section is hereby inserted immediately after section 122 of the Code of Criminal Procedure Act, No. 15 of 1979 and shall have effect as section 122A of that Act:— Insertion of new section 122A in the Act, No. 15 of 1979.

10 “Medical examination in case of an offence alleged to have been committed by a child of, or above
15 twelve years of age and under fourteen.
122A. (1) The officer in charge of the police station who is investigating an offence alleged to have been committed by a child of, or above, twelve years of age and under fourteen years, shall, with the consent of the parent or guardian of such child, cause the child to be examined by a Government medical officer or any other expert in the relevant field, in order to obtain a report which enables the Magistrate having jurisdiction in the case, to form his opinion whether such child—

20 (a) has attained sufficient maturity of understanding to judge, of the nature and consequences of the alleged offence; and

25 (b) is in need of any therapeutic intervention.

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5 (2) Where such parent or guardian of the child does not consent to the child being so examined, the officer in charge of the police station shall apply to the Magistrate having jurisdiction in the case, for an order authorizing such Government medical officer or other expert to examine such child.

10 (3) Such Government medical officer or other expert shall submit his report to the officer in charge of the police station who shall submit such report to the Magistrate, in order to assist him to form his opinion as referred to in subsection (1) and to make his decision, taking into consideration the provisions of section 76 of the Penal Code.”

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

Sinhala text to prevail in case of inconsistency.

