

Code Of Criminal Procedure (Amendment)

Act No 4 of 1995

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 : -

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

Amendment of section 291 of Act, No. 15 of 1979. **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 :-

(4)

(a) Where an offence 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 of 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 15 subsequent default by the same offender in respect of the same offence.

(b) Where any person is on the date on which the subsection comes into force, "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 produce such, person before the court which sentence him, for steps to be taken in accordance with paragraph (a), (c) where any payment has to be made under subparagraph (i) or (ii) of 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 installments 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.

Sinhala text to prevail in case of inconsistency.

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