

## THE CRIMINAL PROCEDURE ACTS, 1965

### ARRANGEMENT OF SECTIONS

Section No.

1. Commencement.
2. Interpretation.

### PART I – GENERAL PROVISIONS PROCEDURE

3. Procedure for offences.

#### ARREST GENERALLY

4. Arrest how made.
5. Search of place entered by person sought to be arrested.
6. Procedure where entry not obtainable.
7. Power to break open doors and windows for purposes of liberation.
8. No Unnecessary restraint.
9. Power to take offensive weapons or property of evidentiary value from arrested persons.
10. All arrested persons to be brought before a Court without delay.

#### ARREST WITHOUT WARRANT

11. Private person may arrest without warrant.
12. Person arrested to be handed over to constable.
13. When constable may arrest without warrant.
14. Refusal to give name and residence.
15. Prisoner to be told cause of arrest.

#### PROCESS AGAINST THE ACCUSED OR DEFENDANT

16. Summons or Warrant.
17. Form of charge for summons.
18. For warrant.
19. Service of summons.
20. Proof of service outside local limits of jurisdiction.
21. Power of dispenses with personal attendance of accused.
22. Warrant when issued.
23. Where summons not obeyed.
24. Form, contents and duration of warrant.
25. Time for execution.
26. Warrant by whom executed.
27. Execution of warrant.
28. Removal and bail.
29. Court may direct security to be taken.
30. Issue of search warrants and proceedings thereunder.

31. Search without a warrant in cases where articles are being conveyed, etc.
32. Judge only may authorize search in Post and Telegraph Offices.
33. Power to search for strangers in Diamond Protection Areas.
34. Return of search warrant.
35. Search warrants may be executed outside jurisdiction of Court issuing them in certain cases.

#### GENERAL, AUTHORITY OF THE COURTS

36. General authority of Courts to bring accused persons before them.
37. Accused person to be remitted in certain cases to another Court.
38. Removal under warrant.

#### PLACE OF ENQUIRY AND TRIAL

39. Courts other than the Supreme Court.
40. Offence committed on a journey.
41. Offences at sea or elsewhere out of Sierra Leone.
42. Offences by public officers abroad and offences on aircraft.
43. Power of Judge to transfer cases.

#### CONTROL OF ATTORNEY-GENERAL OVER CRIMINAL PROCEEDINGS

44. Control of Attorney-General over Criminal Proceedings.
45. Attorney-General may delegate certain powers to *nolle prosequi*, etc.
46. Powers of Director of Public Prosecutions.

#### PREVIOUS ACQUITTAL OR CONVICTION

47. Persons convicted or acquitted.
48. Consequences supervening or not known at time of former trial.
49. Proof of previous conviction.

#### RULES AS TO INFORMATION OR INDICTMENTS

50. Rules as to informations and charges.
51. General provisions as to informations and charges.
52. Joinder of charges and defendants.

#### OFFENCES BY NON-CITIZENS WITHIN THE TERRITORIAL SEA

53. Conditions precedent to trial of foreigners for offences committed in territorial sea.

#### COMPENSATION AND COSTS

54. Compensation may be ordered.
55. Costs payable by party convicted.
56. Costs to be paid by prosecutor, in certain cases.
57. Payments to parties.
58. Recovery of damages, etc., as a judgement debt.
59. Return of property found on person arrested, and release of property returned in Courts.

60. Restitution of property stolen or its value.

#### PRESERVATION OF TESTIMONY IN CERTAIN CASE

- 61. Power to take depositions of persons dangerously ill.
- 62. Notices to be given in certain cases.
- 63. Transmission of statement.
- 64. When statement may be used in evidence.

#### DEPOSITION AND STATEMENTS

- 65. Depositions admissible in certain cases.
- 66. Deposition of medical practitioner may be read as evidence.
- 67. Statement of accused on examination.
- 68. Proof of depositions and statement.
- 69. Dying declaration.
- 70. Certain scientific reports to be evidence.

#### LUNACY OF ACCUSED AND DEFENCE OF LUNACY

- 71. Inquiry by Court.
- 72. Defence of lunacy at preliminary investigation.
- 73. Defence of lunacy on trial.
- 74. Periodical report of criminal lunatics.
- 75. Transfer and discharge of criminal lunatics.
- 76. Resumption of trial or investigation.
- 77. Certificate of superintendent of hospital to be evidence.
- 78. Trial not to be continued in certain cases.

#### ADMISSION TO BAIL

- 79. When bail granted.
- 80. Power of police to admit to bail.

#### CONVICTION FOR OFFENCE OTHER THAN CHARGED

- 81. The person accused of any offence may be convicted of attempt.
- 82. Conviction of manslaughter on charge of murder.
- 83. Conviction of assault with intent to rob on charge of robbery.
- 84. Persons charged with burglary, etc., may be convicted of kindred offence.
- 85. Persons charged with misdemeanour not to be acquitted if offence proved felony.

#### EVIDENCE OF HUSBAND AND WIFE

- 86. Evidence of person married otherwise than by Civil or Mohammedan Marriage.
- 87. Competency of person charged and husband or wife of person charged to give evidence.
- 88. Evidence of person charged.
- 89. Right of reply.
- 90. Calling of husband and wife in certain cases.
- 91. Interpretation.

## PART II – SUMMARY TRIAL

92. Summary trial of offences.
93. Publicity.
94. Non-appearance of prosecutor.
95. Appearance of both parties.
96. Where defendant pleads guilty in writing.
97. Accused or defendant to be called upon to plead.
98. Procedure in plea of guilty.
99. Hearing may be adjourned.
100. Custody of accused of defendant.
101. Non-appearance of defendant in answer to summons or after adjournment.
102. Procedure on plea of not guilty.
103. Defence
104. Evidence in reply.
105. Alteration of information.
106. Orders for separate trial.
107. Determination of charge.

## PART III – PRELIMINARY INVESTIGATIONS

108. Procedure in preliminary investigation.
109. Not held in Public Court.
110. Accused to be informed of complaint.
111. Depositions.
112. Variance between charge and evidence.
113. Remand.
114. Remand by deputy for Magistrate.
115. Defence.
116. Evidence in defence.
117. Procedure where witnesses for defence not present.
118. Discharge.
119. Criminal sessions.
120. Commitment.
121. Where evidence contradictory.
122. Procedure where accused consents to summary trial.
123. Privilege of persons committed for trial.
124. Returns to be made to trial Court and Attorney-General.

## BINDING PROSECUTOR AND WITNESS BY RECOGNISANCE

125. Prosecutor and witnesses may be required to enter into recognisances.
126. In case of refusal may be imprisoned.
127. Binding over of witnesses.
128. Re-opening of preliminary investigations.
129. Forfeiture and levy of recognisances.

## PART IV - INDICTMENT AND TRIAL IN THE SUPREME COURT

130. Indictments.
131. Prisoner to be released on bail or acquitted and discharged if not tried within a certain time.
132. Pleading to information.

133. Effect of plea of “not guilty”.
134. If prisoner refuses or is unable to plead, how dealt with.
135. Conduct and precedence of prosecutions.
136. Indictment not to be filed without previous committal.
137. Filing indictment; its effects.
138. Endorsement of indictment.
139. Copy of indictment and notice of trial to be delivered to Sheriff.
140. Time and mode of summoning parties on indictment.
141. Return of service.
142. Postponement of trial, recognisances.
143. Mode of Trial.
144. Trial by Judge with the aid of Assessors or by Judge alone at instance of the Attorney-General.
145. Trial by Judge alone on election of accused.
146. Change of election, etc.
147. Limitations on sections 143 to 146.

#### AMENDMENT OF INDICTMENT

148. Order for amendment of indictment, separate trial and postponement of trial.
149. Objections cured by verdict.
150. Evidence for arriving at proper sentence.

#### QUALIFICATIONS OF JURORS AND PREPARATIONS OF JURORS' LIST

151. (1) Qualifications of jurors.  
(3) Disqualification of jurors.
152. Preparation of jurors' lists.
153. Publication of jurors' lists.
154. Information to be given to Magistrate, when required.
155. Settlement of lists by Magistrate.
156. Perjury.
157. Special jurors
158. Copies of lists to be sent to Sheriff.
159. Justice of the Peace to assist Magistrate.
160. Appointment of other persons to perform duties of Magistrate.
161. Exemption of districts from returning jurors.
162. Formation of jury panel.
163. Names to be passed over.
164. Addition and removal of names.
165. Sheriff to summon jurors.
166. Summonses to additional jurors.
167. Delivery of panel to Registrar.
168. Sessions at place for which there is no jurors' list.
169. Penalty on jurors not attending or refusing to serve.
170. Enforcement of penalty.
171. Notice to persons fined in absence.
172. Exemption of jurors.
173. Jurors at Coroner's Inquests.

#### TRIAL WITH A JURY

174. Selection of jury.
175. Deficiency of jurors.