

Criminal Procedure Code (Amendment) Bill

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Bill No: 8/1972

Read the first time: 7th March 1972

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Bill No. 8/1972

Read the first time on 7th March 1972.

An Act to amend the Criminal Procedure Code (Chapter 113 of the Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of

Singapore, as follows: —

Short title and commencement

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, 1972, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 121

2. Subsection (1) of section 121 of the Criminal Procedure Code is hereby amended by inserting immediately after the word “evidence” appearing at the end thereof the words “other than a statement that is a written statement admissible under section 139 of this Code”.

Repeal and re-enactment of Chapter XVII

3. The Criminal Procedure Code is hereby amended by repealing Chapter XVII thereof and substituting therefor the following: —

“CHAPTER XVII

PRELIMINARY INQUIRIES INTO CASES TRIABLE BY THE HIGH COURT

Procedure in inquiries preparatory to commitment

137.—(1) The following procedure and no other procedure shall be adopted in inquiries before a Magistrate (hereinafter in this Chapter referred to as the “examining Magistrate”) where the inquiry is held with a view to committal for trial to the High Court.

(2) Whenever from any cause an examining Magistrate making an inquiry preliminary to committal for trial is unable conveniently to complete the proceedings of the inquiry himself another examining Magistrate may complete the case and proceed as if he had heard and recorded all the evidence himself.

Committal for trial on written statements

138. An examining Magistrate making an inquiry preliminary to committal for trial may, where he is satisfied —

- (a) that all the evidence before the court, whether for the prosecution or the defence, consists of written statements tendered to the court under section 139 of this Code, with or without exhibits; and

- (b) that the statements disclose sufficient evidence to put an accused upon his trial,

commit the accused for trial for the offence.

Written statements before examining Magistrate

139.—(1) In preliminary inquiries conducted under this Chapter, a written statement by any person shall, if the conditions mentioned in subsection (2) of this section are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are —

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
- (c) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings not less than seven days before the date of hearing; and
- (d) none of the other parties, before the statement is tendered in evidence at the preliminary inquiry, objects to the statement being so tendered under this section.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say: —

- (a) if the statement is made by a person under the age of twenty-one years, it shall give his age;
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
- (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under paragraph (c) of subsection (2) of this section shall be accompanied by a copy of that document or

by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible in preliminary inquiries by virtue of this section, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing, and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(7) Section 365 of this Code shall apply to any written statement tendered in evidence in preliminary inquiries under this section, as it applies to a deposition taken in such proceedings.

When accused person to be discharged

140.—(1) When the written statements and all the other evidence, if any, in support of the prosecution have been received in evidence, the examining Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him.

(2) If after taking the evidence for the prosecution as aforesaid, the examining Magistrate is of the opinion that there are sufficient grounds for committing the accused, but that the offence disclosed by the evidence is such as might more properly be tried summarily, he may either —

- (a) frame a charge or charges in writing and call upon the accused to plead thereto; or
- (b) order the accused to be tried before any other Magistrate's Court or before a District Court.

(3) If the examining Magistrate proceeds under paragraph (a) of subsection (2) of this section, the case shall proceed as a summary trial.

(4) Nothing in this section shall be deemed to prevent an examining

Magistrate from discharging the accused at any previous stage of the case if for reasons to be recorded by such examining Magistrate, he considers the charge to be groundless.

(5) When the examining Magistrate is of the opinion that there are peculiar difficulties or circumstances connected with the case or whenever he is so directed by the Public Prosecutor, he shall remand the accused or admit him to bail and shall forthwith transmit the evidence before the court to the Public Prosecutor in order that he may give such instructions as to him appear requisite.

When charge to be framed

141.—(1) If after taking the written statements and all the other evidence, if any, in support of the prosecution, the examining Magistrate is of the opinion that on the evidence as it stands the accused should be committed for trial, he shall frame a charge under his hand declaring with what offence or offences the accused is charged.

(2) As soon as the charge has been framed, it shall be read and explained to the accused and the examining Magistrate shall say to him these words or words to the like effect: —

“Having heard the evidence do you wish to say anything in answer to the charge? You have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any confession of your guilt. You are not bound to say anything unless you desire to do so but whatever you say will be taken down in writing and may be given in evidence at your trial.”.

Committal when defence reserved

142. If the accused elects to reserve his defence, he shall forthwith be committed for trial before the High Court.

Defence of accused

143.—(1) If the accused elects to make his defence before the examining Magistrate instead of making a written statement under section 139 of this Code, the statement made by the accused, if any, shall be taken down in writing and read over to him and shall be signed by such examining Magistrate and kept with the written statements made under section 139 of this Code and depositions, if any, and transmitted with them as hereinafter mentioned.