

## CHAPTER 38

### OFFENSIVE WEAPONS

Act  
No. 18 of 1966.

AN ACT TO PROVIDE FOR THE PROHIBITION OF THE IMPORTATION, MANUFACTURE, POSSESSION, SALE, EXPOSURE FOR SALE, ACQUISITION, TRANSPORT, USE OR SUPPLY OF, AND OF THE DOING OF CERTAIN OTHER ACTS OR THINGS WITH, OFFENSIVE WEAPONS.

[21st June. 1966.]

**Short title.**       **1.** This Act may be cited as the Offensive Weapons Act.

**Prohibition of the importation, &c., of offensive weapons.**       **2.** (1) Any person who, except with lawful authority the proof whereof shall lie on him,—

- (a) imports or offers to import any offensive weapon into Sri Lanka ; or
- (b) manufactures, possesses, sells, exposes for sale, supplies, acquires, transports or uses, for any purpose or in any manner whatsoever any offensive weapon ; or
- (c) offers to do any act or thing referred to in paragraph (b) of this subsection,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding ten years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

(2) For the purposes of this section, any offensive weapon in the control, power or disposition of any person shall be deemed to be in his possession.

(3) For the purposes of this section,- the expression " lawful authority ", in relation to any act or thing referred to in subsection (1) which is done or offered to be done by any person in respect of any offensive weapon, means—

- (a) any such act or thing so done or offered to be done by him in his capacity as a member of the Sri Lanka Army, the Sri Lanka Air Force, the Sri Lanka Navy, or the Sri Lanka Police Force, and in the course or for the purposes of his duties as such member ; or

(b) any such act or thing so done or offered to be done by him under and in accordance with—

- (i) the provisions of the Explosives Ordinance or any other written law, or
- (ii) the authority of any instrument by whatsoever name or designation called duly issued or granted to him under such provisions.

**3.** Any person who does with any offensive weapon any act or thing—

- (a) which causes, whether directly or indirectly, damage or destruction to any movable or immovable property of the State, any body of persons whether corporate or unincorporate, or any individual; or
- (b) which causes, whether directly or indirectly, any such change in such property as destroys its value or utility,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding twenty years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

**4.** (1) Any person—

- (a) who attempts to cause the death of any other person with any offensive weapon but does not cause injury to such other person, or
- (b) who attempts to cause injury to any other person with an offensive weapon,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding ten

Damage, &c., to property by use of offensive weapons.

Attempt to cause death or injury, and causing of injury, with offensive weapons.

years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

(2) Any person who causes injury to any other person with any offensive weapon shall be guilty of an offence under this Act punishable with imprisonment of either description for a term which shall not be less than ten years and not more than twenty years, and also with a fine not exceeding ten thousand rupees.

Attempts to commit offences under this Act.

**5.** Any person who attempts to commit any offence under this Act, other than any such offence under section 4 (1), shall also be guilty of that offence, and accordingly shall be punished with the penalty provided for that offence by this Act.

Abetment of offences under this Act.

**6..** (1) Any person who—

(a) instigates any other person to commit an offence under this Act; or

(b) engages in any conspiracy for the commission of that offence ; or

(c) intentionally aids, by any act or illegal omission, the commission of that offence,

shall also be guilty of that offence, and accordingly shall be punished with the penalty provided for that offence by this Act.

(2) The provisions of the Penal Code relating to the abetment of an offence shall not apply to the abetment of an offence under this Act.

Power of police to arrest without a warrant.

**7.** (1) Any police officer may, without any order or warrant from a Magistrate,—

(a) arrest any person who has in his possession any offensive weapon if such officer has reasonable cause to believe that such person is committing, or is about to commit, an offence under this Act; and

(b) remove such weapon from the possession of such person.

(2) A police officer who removes any offensive weapon from the possession of any person under subsection (1) may take all such steps as such officer may deem necessary to render such weapon harmless.

Power of police to search premises.

**8.** (1) Where a police officer of a rank not below that of Sub-Inspector has reasonable cause to believe that an offence

under this Act has been, or is about to be, or is being, committed and that evidence of the commission of such offence is to be found on any premises or in any vehicle or vessel, such officer may, with such assistance as may be required, enter such premises or, as the case may be, the premises on which the vehicle or vessel may be, and search such premises or, as the case may be, the vehicle or vessel.

(2) Any police officer searching any premises, or any vehicle or vessel, under subsection (1) and every person assisting such officer may search any person who is found in, or whom he has reasonable cause to believe to have recently left, or to be about to enter such premises or such vehicle or vessel, as the case may be, and may seize any article, found in such premises or in such vehicle or vessel, which he has reasonable cause to believe to be evidence of the commission of an offence under this Act. Any article so seized which is an offensive . weapon may be immediately rendered harmless by such officer or other person assisting such officer.

(3) Such police officer shall, within forty-eight hours of such search, make a report to the nearest Magistrate's Court stating the circumstances and the manner in which such search was made and the result thereof.

**9.** Notwithstanding anything to the contrary in the First Schedule to the Code of Criminal Procedure Act, any offence under this Act shall be a cognizable offence within the meaning and for the purposes of that Act.

offences under this Act to be cognizable offences

**10.** Notwithstanding anything to the contrary in the Code of Criminal Procedure Act or any other written law, no person charged with, or accused of, an offence under this Act shall be released on bail except on the order of the Court of Appeal.

Offences under this Act to be non-bailable except on order of the Court of Appeal.

**11.** The provisions of Chapter XXV of the Code of Criminal Procedure Act shall not apply to or in relation to persons charged with, or accused of, offences under this Act, and accordingly such provisions shall be read and construed, and shall have force and effect, subject to the provisions of this section.

Chapter XXV of the Code of Criminal Procedure Act not to apply to persons charged with, or accused of, offences under this Act.

Certain offenders to be indicted without preliminary inquiry.

**12.** (1) Anything in the Code of Criminal Procedure Act or any other written law to the contrary notwithstanding, the Attorney-General may indict a person for an offence under this Act committed by reason of a contravention of any of the provisions of section 2 (1) before the High Court without a preliminary inquiry by a Magistrate's Court as provided in Chapter XV of that Act.

(2) The following provisions shall apply in any case where the Attorney-General indicts a person before the High Court under subsection (1) :—

- (a) An indictment prepared in the manner prescribed by section 162 of the Code of Criminal Procedure Act shall be transmitted by the Attorney-General to the High Court. He shall at the same time transmit to the Fiscal of that Court in which the trial will take place a copy or copies of the indictment for service on the accused person or each of the accused persons who will be tried upon the indictment. The Fiscal shall forthwith and at least fourteen days before the day specified for trial serve or cause to be served on the accused person or each of the accused persons, the copy or a copy of the indictment received by him from the Attorney-General and shall make a return of such service to the High Court and to the Attorney-General or any officer appointed by the Attorney-General to represent him.
- (b) The High Court shall forthwith upon the receipt of the indictment cause to be served on the accused person a notice specifying the date fixed for his trial.
- (c) Service on an accused person of any indictment or notice of trial shall be effected in the manner prescribed for the service of summons in sections 45 and 46 of the Code of Criminal Procedure Act, and the provisions of section 49 of that Act shall apply accordingly for the purpose of proving such service :

Provided, however, that if service cannot be effected in such manner by the exercise of due diligence, the indictment or notice shall be affixed to some conspicuous part of the house in which the accused person ordinarily resides, and in such case the indictment or notice shall be deemed to have been duly served.

- (d) The Attorney-General shall, before the date of trial, cause to be furnished to that person—
  - (i) a concise statement of the particulars of the charge and a list of witnesses who are likely to be called to give evidence and a list of documents that may be used by the prosecutor, and
  - (ii) a summary of such of the facts as are proposed to be relied on by the prosecutor.
- (e) At the trial of that person, the High Court or the prosecutor may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the indictment.

**13.** The proceedings before any court for an offence under this Act shall be taken up before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

Priority to be given to proceedings for offences under this Act.

**14.** (1) A court may, on conviction of any person for an offence under this Act, make order that any article (including any offensive weapon or any ship or boat or other vessel or any vehicle) in connection with which the offence was committed or which was used in or in connection with the commission of the offence, shall be forfeited to the State.

Forfeiture of articles

(2) Any article forfeited to the State under any order made by any court under subsection (1) which is an offensive weapon shall be sent by the court to the Commander of the Sri Lanka Army for disposal in such manner as he may deem fit.

Evidence of offensive weapon.

15. (1) The following provisions shall apply in any case where in any proceedings before a court for an offence under this Act it has to be determined whether any article is an offensive weapon :—

(a) A certificate under the hand of the Government Analyst or a Deputy Government Analyst to the effect that such article is an offensive weapon shall be received in such proceedings as evidence of the fact that such article is an offensive weapon.

(b) The court may presume that the signature of such Analyst on such certificate is genuine and that he held the office of such Analyst at the time he signed such certificate ;

Provided that if the court is of opinion that it is necessary or expedient that, or either party to the case requests that, such Analyst should be present to give evidence at such proceedings, such Analyst shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution.

(c) The court may, if it thinks fit, summon and examine such Analyst as to the subject-matter of such certificate.

(2) Every certificate issued under this section shall be in the following form :—

I,..... Government Analysts/Deputy Government Analyst, do hereby certify that I have examined the article marked ..... and that such article is an offensive weapon within the meaning of the Offensive Weapons Act.

Signature ;

Date :... .

(\* Delete inapplicable words.).

16. In thiS Act, unless the context Interpretation. otherwise requires—

" manufacture ", in relation to an offensive weapon, includes the assembling of any parts whatsoever so as to form an offensive weapon ;

" offensive weapon " means a bomb or grenade or any other device or contrivance made for a use or purpose similar to that of a bomb or grenade ;

" premises " includes any place or spot, whether open or enclosed, and any ship, boat or other vessel, whether afloat or not, and any vehicle.