

CRIMINAL PROCEDURE ORDINANCE, 1939. ⁽¹⁾

No. 15 of 1939.

An Ordinance relating to Criminal Procedure.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Criminal Procedure Ordinance, 1939*,⁽¹⁾ and shall be read and construed with *The Criminal Procedure Ordinance of 1889* and the *Central Court Ordinance, 1925*.

Short title and construction.

2. In this Ordinance unless a contrary intention appears:—
“Central Court”⁽²⁾ means the Central Court⁽²⁾ in its Criminal jurisdiction;

Interpretation.

“Judge” means a Judge of the Central Court;⁽²⁾

“Magistrate” means a Resident Magistrate or Assistant Resident Magistrate but does not include an Acting Assistant Resident Magistrate;

“Registrar” means the Registrar of the Central Court.⁽²⁾

3. At any place in the Territory where it is in the opinion of a Judge impracticable to hold a sittings of the Central Court⁽²⁾ or detrimental to the health of the accused to bring him for trial to the usual place for a sittings of the Central Court⁽²⁾ a Judge may order a Magistrate to hear and determine any offence cognizable in the Central Court.⁽²⁾

Special hearings before Magistrate.

4. Upon a matter being heard and determined as provided in the preceding section of this Ordinance the Magistrate if he finds the accused not guilty may discharge him and transmit the record to the Registrar or if he finds him guilty shall refrain from passing sentence upon the prisoner but shall remand him for sentence and shall transmit the record and his recommendation of sentence to the Registrar.

Procedure at hearing before Magistrate.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
15.11.1939	(a)	15.11.1939 (<i>Ordinances etc. of Papua 1939, p. 51</i>)

(a) No notice of non-disallowance has been published in *Papua Govt. Gaz.*

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

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Judge's order.

5. Upon receipt of the record and recommendation thereon the Registrar shall forthwith bring it before the notice of a Judge who may--

- (a) confirm the recommendation made by the Magistrate;
- (b) vary the recommendation made by the Magistrate;
- (c) direct that such Magistrate take further evidence;
- (d) quash the proceedings.

Procedure upon
Judge's order.

6. The Registrar shall without delay transmit the order of the Judge to the Magistrate together with the record and recommendation and the Magistrate shall be bound to act in accordance with such order and the directions therein.

Records.

7. Upon conclusion of the proceedings the Magistrate shall in every case transmit the record to the Registrar for inclusion in his records.