

**CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT)
ACT, 1975**

No. 11



of 1975

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Substitution of section 239 of Cap. 08:02

An Act to amend the Criminal Procedure and Evidence Act.

Date of Assent: 22.4.75

Date of Commencement: 2.5.75

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1975. Short title

2. The Criminal Procedure and Evidence Act is amended by substituting for section 239 thereof the new section following – Substitution
of section 239
of Cap. 08:02

“Conviction
of accused on
plea of guilty
or evidence of
confession

239. (1) If any person arraigned before any court upon any charge has pleaded guilty to that charge or has pleaded guilty to having committed any offence other than the offence with which he is charged but of which he might be found guilty on the indictment or summons and the prosecution has accepted that plea, the court may in its discretion convict and sentence him without hearing any evidence:

Provided that if the court is a subordinate court, it shall, before convicting and sentencing the accused, comply with such directions as the Chief Justice may from time to time issue for the guidance of subordinate courts generally, or of subordinate courts of any particular class, with regard to the taking of pleas of guilty.

(2) Any court which is trying any person arraigned before it may convict him of any offence alleged against him in the indictment or charge by reason of any confession of that offence proved to have been made by him, although the confession is not confirmed by any other evidence, provided that the offence has, by competent evidence other than such confession, been proved to have been committed.”.

Passed by the National Assembly this 27th day of March, 1975.

I.P. GONTSE,
Clerk of the National Assembly.