

Rules for the payment of witnesses' expenses in Criminal Jails.

No. 25

The 31st January 1884.

No. 25.- The 31st January 1884.- Under the provisions of section 544 of the Code of Criminal Procedure, 1882, the Chief Commissioner of British Burma, with the previous sanction of the Governor-General in Council, is pleased to make the following rules for the payment of the expenses of complainants and witnesses attending any Criminal Court in British Burma for the purpose of any enquiry, trial, or other proceeding before such Court under the said Code:-

I.- The Criminal Courts may at their discretion pay, according to the scale set forth in Rule III, the expenses of complainants and witnesses either for the prosecution or for the defence (1) in all cases which are cognizable by the police; (2) in all cases entered in column 5 of Schedule II, appended to the Code of Criminal Procedure, as not bailable; (3) in all cases in which witnesses are compelled to attend the Court under sections 94, 103, 208, 217, 257, and 540 of the Code of Criminal Procedure; and (4) in all cases where the prosecution is instituted or carried on by, or under the orders or with the sanction of, Government or any Judge, Magistrate, or public officer, or in which the presiding officer thinks the prosecution to be directly in furtherance of the interests of public justice.

In the case of witnesses for the defence the expenses of only those witnesses whom the presiding officer may consider material shall be paid.

II.- Expenses of complainants and witnesses shall be payable, according to the scale set forth in Rule III, on account of their journeys to and from the Court and for the days during which they have been absent from their homes for the purposes of the trial, proceedings, &c. Provided that (1) Government officers who are entitled to travelling allowance under the Civil Travelling Allowance Code shall not receive their expenses under these rules, and that (2) in cases in which the Magistrate acquits the accused under section 245 or section 247 of the Code of Criminal Procedure, and is of opinion that the complaint was frivolous or vexatious the expenses of the complainant shall not be paid.

III.- The scale of expenses payable shall be as follows:-

(1) **Ordinary Labouring class of Natives.**- The actual railway or steam-boat fare to and from the Court by the lowest class; or where the journey could not have been performed by rail or steam-boat, actual

travelling expenses up to a limit of Rs. 2 a day by boat and of 4 annas a mile by road; and an allowance for each day's absence from home of 6 annas to those who are residents of places other than the place where the Court is held, and of 4 annas to those who are residents of the place where the Court is held.

- (2) **Persons of higher ranks of life, such as clerks and tradespeople.**- Second class railway or steam-boat fare to and from the Court, or, where the journey could not have been performed by rail or steam-boat, actual travelling expenses up to a limit of Rs. 4 a day by boat and of 6 annas a mile by road, and an allowance not to exceed, except in very special cases, Rs. 3 for each day's absence from home to Europeans or Eurasians and Re. 1 to Natives.
- (3) **Persons of superior rank.**- The actual sum spent in travelling to and from the Court, with an allowance, according to circumstances, not to exceed, except in very special cases, Rs. 5 for each day's absence from home to European or Eurasian and Rs. 2 to Native gentlemen.
- (4) **Witnesses following any profession, such as medicine or law.**- A special allowance according to circumstances.

Note.- When the journey has to be performed partly by rail or steam-boat and partly by road or boat, the fare shall be paid in respect of the former and the mileage or boat allowance in respect of the outer part of the journey.

IV.- Allowances shall be paid under the orders of the Court, and in the presence of the presiding officer, and, ordinarily, at the conclusion of the trial, enquiry, or other proceeding. The presiding officer of the Court shall check the statement of charges and will be responsible that unauthorized charges are not allowed.

V.- In cases committed to the Court of Sessions or to the High Court, the Magistrate who commits the case shall note in the list of witnesses the class to which, in his opinion, each belongs.

----- Footnote -----

[ပင်ရင်း- ဂ.ဂ.၁၈၈၄ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]