

**POLITICAL DEPARTMENT.**

**(The rules relating to trials before Commissioners appointed under the India (Criminal Law Amendment) Act 1915.)**

**No. 7**

**Dated Rangoon, the 8th February 1916.**

In exercise of the powers conferred by section 10 of the Defence of India (Criminal Law Amendment) Act, 1915, the Lieutenant-Governor is pleased to make the following rules relating to trials before Commissioners appointed under the said Act:-

**RULES.**

Time and place of sitting.

1. Commissioners may sit for the trial of any offence cognizable by them at any time and at any place within the local limits of their jurisdiction.

**President.**

Appointment and powers of President.

2. (a) The senior member of the Commission, or in case of doubt such member as the Local Government may nominate in this behalf, shall be the President of the Commission.

(b) The President shall determine the times of sitting, shall pronounce the order and judgment of the Commission, and shall have power to regulate all matters incidental to any trial before the Commission.

(c) Every summons, warrant, judgment, order, process or proceeding of the Commission shall be deemed to be duly authenticated by the signature of the President.

**Absence of member.**

Absence of member.

3. In the absence of any member of the Commission the trial shall be adjourned for such time as the remaining members shall consider reasonable.

In the event of the likelihood of the prolonged absence of any member of the Commission, the Local Government may appoint another Commissioner in his stead, and when the Commissioner so appointed takes his seat, the trial shall be resumed from the point at which it was interrupted:

Provided that upon such resumption the accused may demand that the witnesses or any of them shall be resummoned and reheard.

#### **Procedure.**

Joinder of charges.

4. When any person or persons are accused of more offences than one and the Commissioners are of opinion that the offences are such that they should be tried together, then the said person or persons may be charged with and tried at one trial for every such offence.

Modification of proviso (a), section 35 (1), Criminal Procedure Code.

5. When any person is convicted at one trial of two or more offences, the aggregate of the terms of imprisonment to which he may be sentenced shall not be subject to the limit of 14 years specified in proviso (a) to section 35 (1) of the Code of Criminal Procedure, 1898.

Cross-examination of witnesses.

6. When the accused appears or is brought before the Commissioners, the prosecutor shall state briefly the particulars of the offence with which the accused is charged and the evidence by which he expects to prove the guilt of the accused. As the evidence of each witness for the prosecution is concluded the accused shall be given an opportunity of cross-examining him, and after such cross-examination (if any) and re-examination (if any) the Commissioners may discharge the witness, and the accused shall not recall for further examination or cross-examination without leave of the Commissioners any witness thus discharged.

Witnesses for the defence.

7. As soon as the charge is framed, the accused shall be required at once to give in, orally or in writing, a list of the persons, if any, whom he wishes to be summoned to give evidence in his defence.

The attendance of any witness not named in the list shall not be compelled on the application of the accused unless the Commissioners consider that his attendance is necessary in the interests of justice.

Illness of accused.

8. If any accused person at any stage of the proceedings is prevented by illness or other sufficient cause from being present, the Commissioners may proceed with the trial in his absence, provided that a pleader is present on his behalf.

#### **Execution.**

Sentence of death.

(The rules relating to trials before Commissioners appointed under the India (Criminal Law Amendment) Act 1915.)

9. When a sentence of death is passed by the Commissioners, the Commissioners shall cause the sentence to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Other sentences.

10. When any sentence other than a sentence of death is passed by the Commissioners, the Commissioners in causing the sentence to be carried out shall observe the procedure prescribed for a Court in Chapter XXVIII of the Code of Criminal Procedure, 1898.

Successor in office to the Commissioners.

11. For the purpose of section 389 of the Code of Criminal Procedure, 1898, the District Magistrate of the district in which sentence was pronounced upon the accused shall be deemed to be the successor in office of the Commissioners.

#### **Detention in custody.**

Detention.

12. (a) The Commissioners may detain in custody any accused persons being tried before them.

Remand.

(b) The District Magistrate shall have power to remand to custody any persons in respect of whom an order has been made under sub-section (1) of section 3 of the Act until such time as the Commissioners order that the accused shall be brought before them for trial.

#### **Forms.**

Use of forms.

13. The forms prescribed in the 5th Schedule of the Code of Criminal Procedure, 1898, may be used with such changes as may be required in each case for the proceedings of the Commissioners.

H.WHEELER,

Secretary to the Government of India.