

PART C.—SUBSISTENCE AND TRAVELLING ALLOWANCE TO COMPLAINANTS AND WITNESSES ATTENDING TRIALS BEFORE THE HIGH COURT.

Rule made by the Punjab Government under the powers conferred by Section 312 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) regulating the payment of subsistence and travelling allowance to complainants and witnesses attending trials before the High Court in the exercise of its original Criminal Jurisdiction :—

RULES

1. All disbursement on account of the expenses of complainants and witnesses attending criminal trials before the High Court, will be made by the Committing Magistrate, and will be adjusted by him.

Disbursing Office.

The Committing Magistrate will determine the class to which each complainants and witness belongs.

In the case of a Cantonment Magistrate committing a case for trial by the High Court, the disbursement of expenses and the payment of advances should be made by the District Magistrate of the district.

2. Except for any special reason in any particular case, complainants and witnesses travelling at the public expense will not be allowed to travel by road and charge accordingly, when the journey can be accomplished more cheaply and expeditiously by rail,

Travelling by road not allowed.

3. The Committing Magistrate, when despatching complainants and witnesses to the High Court will instruct them to report themselves to the Registrar of the Court, on their arrival at Chandigarh, and will at the same time report to that officer :—

Committing Magistrate to dispatch witnesses to High Court.

- (a) the name of each complainant and witness;
- (b) the class to which he belongs ;

(c) the date of his departure to attend at the High Court;

(d) whether any, and, if so, what advances have been made to such complainants or witness to enable him to reach Chandigarh.

Registrar to inform Committing Magistrate departure of witnesses.

4. When the trial in which the complainant and witnesses have appeared in the High Court is concluded, the Registrar of that Court will intimate to the Committing Magistrate the date of the arrival of the complainants and witnesses at Chandigarh and the date on which it was possible for them to quit the station. The subsistence allowance at Chandigarh will cease as soon after the conclusion of the trial as the means of quitting the station become available.

Payment in advance.

5. The Committing Magistrate may make reasonable advances to complainants and witnesses to enable them to reach Chandigarh; and, when necessary, the Registrar of the High Court will make advances to them at Chandigarh to enable them to return to their homes. Care should be taken in making these advances that a larger sum is not paid to any complainant or witness than he is entitled to receive under these rules, and before making advances to witnesses for the defence, the Committing Magistrate should satisfy himself that such witnesses are material.

Recovery of advances made by Registrar.

6. Advances made by the Registrar of the High Court under the preceding rule will be recovered at once from the Committing Magistrate, who will include the amount of such advances in his bill.

Submission of bill by Committing Magistrate.

7. When all the expenses to which complainants and witnesses are entitled under these rules have been paid the Committing Magistrate will submit a bill for the same, supported by the necessary vouchers, to the Registrar of the High Court for countersignature. The Registrar's countersignature will be sufficient authority to support such charges in the Public Accounts.

8. These rules apply *mutatis mutandis* in the case Application of trial held by the High Court elsewhere than at Chandigarh.

Application of rules to trials held elsewhere.

9. In the event of a witness being summoned to attend the High Court in a criminal case, other than a trial before the High Court in exercise of its original criminal jurisdiction, the expenses of such witness will be paid by the Registrar or District Magistrate at such rates as the Court may direct.

Expenses of witnesses in other cases.

Notes.—(1) The Superintendent of the Mental Hospital, being the Government specialist in lunacy, is not entitled to any fee for giving expert evidence on behalf of Government in the High Court.

Fees of superintendent, Mental Hospital.

(2) The Chemical Examiner or the Assistant Chemical Examiner when summoned give evidence before the High Court shall be entitled to recover the following fee for each appearance :—

Fees of Chemical Examiner.

	Rs.
Chemical Examiner	16
Assistant Chemical Examiner	10

(3) As charges under Rule 7 are debitable to audited contingencies, vouchers for sum above Rs. 25 should accompany the bill sent to the Accountant-General, for audit.

(Punjab Government, Home/Judicial, notification No. 5034-J-56/8467, dated 13th November, 1956).