

PART D. -Expert Witnesses

1. Much inconvenience is caused to expert witnesses by the reckless manner in which they are often summoned to give evidence by courts. The following instructions should be borne in mind by presiding officers of courts with regard to this class of witness:—

Evidence of Expert
Witnesses and
instructions
regarding the same

- (a) Care should be taken that when an expert is summoned, his evidence is duly taken and, where possible, completed on the day of his appearance;
- (b) Where possible the expert should be previously consulted in regard to the suitability of the date which it is proposed to fix for his evidence; and
- (c) Courts should always consider the desirability of avoiding causing inconvenience to experts by taking their evidence on commission in cases where the evidence is such as can suitably be so taken.

2. The Chief Inspector of Explosives to the Central Government has drawn attention to the fact the number of summonses he received for personal appearance before the courts all over India interferes with his legitimate duties and he has suggested that it would be of very great assistance if the issue of summonses on him and his inspectors for appearance in Magistrates' Courts could be restricted to the minimum consistent with the requirements of a case. In bringing this to the notice of State Governments, the Central Government have observed that where it is necessary to have the evidence of the Chief Inspector or his subordinates taken in Magistrates' Courts which are at a great distance from their headquarters and the cases are such as would normally be committed to the Courts of Sessions, a great deal of inconvenience may be avoided by having resort to section 503 and section 506, Criminal Procedure Code as the case may be. The Punjab Government have accordingly directed

Evidence of the
Chief Inspector of
Explosives

that prosecuting officers should press for taking evidence on commission in suitable cases. This should be borne in mind by criminal courts.

Evidence of
Chemical
Examiner or
his Assistant

3. Courts are warned to be careful to see before summoning the Chemical Examiner or his Assistant that the evidence of another medical witness whose services are more conveniently procurable will not be sufficient.

4. When an application is made for the summoning of a fire-arms expert in a case, the magistrate should first ascertain from the party wishing to call him as a witness on what points his evidence is required, and then write a letter to the expert asking him if he is able to give evidence on those points, and whether he wishes to examine any exhibits before giving an opinion. After these preliminaries, if the reply of the expert shows that he is in a position to give relevant evidence, then and not till then, summons should be issued to him to appear as a witness subject to the instructions given in preceding paragraphs.

5. When it is considered necessary to summon a Government Inspector of Railways as an expert witness, reasonable notice should be given to the Government Inspector concerned and the summons served on him through the Chief Government Inspector of Railways, Department of Posts and Air (Railway Inspectorate), Government of India, who will make himself responsible that the summons is served on the Government Inspector.