

Navy Act, 1957

Section 136 - Examination of Witnesses on Commission

- (1) Where a commission is issued under the provisions of section 135, the prosecutor and the accused may respectively forward any interrogatories in writing which the trial judge advocate may think relevant to, the issue and the magistrate or authority to whom the commission is directed or to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.
 - (2) The prosecutor and the accused may appear before such magistrate or authority by counsel or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.
 - (3) After a commission issued under section 135 has been duly executed, it shall be returned together with the deposition of the witness examined thereunder to the Judge Advocate General of the Navy who issued the commission.
 - (4) On receipt of the commission and the deposition returned under sub-section (3), the Judge Advocate General of the Navy shall forward the same to the trial judge advocate at whose instance the commission was issued.
 - (5) The commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused and may subject to all just exceptions be read in evidence in the case by either the prosecutor or the accused and shall form part of the proceedings of the trial.
 - (6) Any deposition so taken shall be received in evidence at any subsequent stage of the trial whether before the same court or, if the said court is dissolved meanwhile, before another court convened for the trial of the accused in respect of the same charges.
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