

Navy Act, 1957

Section 135 - COMMISSIONS FOR EXAMINATION OF WITNESSES

1) Whenever in the course of a trial by court-martial, it appears to the trial judge advocate that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, the trial judge advocate may dispense with such attendance and may apply to the Judge Advocate General of the Navy to issue a commission to 53[any metropolitan magistrate or judicial magistrate of the first class] within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness. (2) The trial in such an event may be adjourned for a specified time reasonably sufficient for the execution and return of the commission. (3) The Judge Advocate General of the Navy on receipt of an application under sub-section (1) may, if he thinks fit, issue a commission to the54 [metropolitan magistrate or judicial magistrate of the first class or an authority exercising the powers equivalent to those of a judicial magistrate of the first class under the Code of Criminal Procedure, 1973,] for the examination of the witness. (4) The magistrate or authority to whom the commission is issued or c[if he is a54[Chief Metropolitan Magistrate or a Chief Judicial Magistrate, he or such metropolitan magistrate or judicial magistrate of the first class as is appointed by him in this behalf] shall proceed to such place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner and may for this purpose exercise the same powers as in trials of warrant cases under the54[Code of Criminal Procedure, 1973], or of any corresponding law in force at the place where the evidence is recorded.