

Army Act, 1950

Section 137 - Commissions for Examination of Witnesses

(1) Whenever, in the course of trial by court-martial, it appears to the court 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, in the circumstances of the case, would be unreasonable, such court may address the Judge-Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge-Advocate General may then, if he thinks necessary, issue a commission to any district magistrate or magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) The magistrate or officer to whom the commission is issued, or, if he is the district magistrate, he or such magistrate of the first class as he appoints in this behalf, shall proceed to the 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 the [1](#) [Code of Criminal Procedure, 1973 (2 of 1974)], or any corresponding law in force in [2](#) [the State of Jammu and Kashmir].

(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in [3](#) [Chapter XXII of the Code of Criminal Procedure, 1973 (2 of 1974)], or of any corresponding law in force in [2](#) [the State of Jammu and Kashmir].

(5) In this and the next succeeding section, the expression "Judge-Advocate General" includes a Deputy Judge-Advocate General.

1. Substituted by Act 37 of 1992, sec. 13, for "Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 6-9-1992).

2. Substituted by the Adaptation of Laws (No. 3) Order, 1956, for "a Part 13 State".

3. Substituted by Act 37 of 1992, sec. 13, for "Chapter XL of the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 6-9-1992).
