

**বিষয়ঃ “Witness Management Policy for subordinate Courts and Tribunals” শীর্ষক কর্মশালায়
বিচার বিভাগীয় কর্মকর্তাগণকে মনোনয়ন প্রদান প্রসঙ্গে।**

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশ সুপ্রীম কোর্ট ও UNDP এর যৌথ উদ্যোগে আগামী ০৭ অক্টোবর, ২০১৭ খ্রিস্টাব্দ তারিখ রোজ শনিবার সকাল ৯.৩০ ঘটিকা হতে বিকাল ৪.৩০ ঘটিকা পর্যন্ত ঢাকার আগারগাঁওস্থ Bangabandhu International Conference Center (BICC) এর মিডিয়া বাজার হলে “Witness Management Policy for subordinate Courts and Tribunals” শীর্ষক একটি কর্মশালায় আয়োজন করা হয়েছে। উক্ত কর্মশালায় অংশগ্রহণের নিমিত্ত বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয়ের সদয় অনুমোদনক্রমে নিম্নবর্ণিত বিচার বিভাগীয় কর্মকর্তাগণকে মনোনীত করা হয়েছেঃ-

ক্রঃ নং	নাম	পদবী ও কর্মস্থল
১.	জনাব মোঃ গোলাম মর্তুজা মজুমদার (৩)	জেলা ও দায়রা জজ, সিলেট।
২.	জনাব এস, এম, কুদ্দুস জামান (৪৪)	জেলা ও দায়রা জজ, ঢাকা।
৩.	জনাব আবুল খায়ের মোঃ এনামুল হক (১০৪)	জেলা ও দায়রা জজ, গাজীপুর।
৪.	জনাব মোঃ বজলুর রহমান (১৪২)	জেলা ও দায়রা জজ, লালমনিরহাট।
৫.	জনাব অরুণ কুমার গোস্বামী (১৫২)	মহানগর দায়রা জজ, খুলনা।
৬.	জনাব সৈয়দ জাহেদ মনসুর (১৭০)	জেলা ও দায়রা জজ, কুষ্টিয়া।
৭.	বেগম ফাহিমদা কাদের (১৭৪)	জেলা ও দায়রা জজ, সিরাজগঞ্জ।
৮.	বেগম মমতাজ পারভীন (১৯৬)	জেলা ও দায়রা জজ, জয়পুরহাট।
৯.	জনাব আজিজ আহমেদ ভূঞা (১৯৮)	বিচারক (জেলা জজ), নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল, কুমিল্লা।
১০.	জনাব মোঃ মফিজুর রহমান ভূঞা (১৯৯)	মহানগর দায়রা জজ, সিলেট।
১১.	জনাব মোঃ লিয়াকত আলী মোল্লা (২২৫)	স্পেশাল জজ, পাবনা।
১২.	জনাব মুসী মোঃ মশিয়ার রহমান (২৬২)	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, চট্টগ্রাম।
১৩.	বেগম জেসমিন আরা বেগম (২৮৯)	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঢাকা।
১৪.	জনাব মোঃ নুরুল ইসলাম (৩১৮)	অতিরিক্ত মহানগর দায়রা জজ, চট্টগ্রাম।
১৫.	জনাব ফজলে খোদা মোঃ নাজির (৩২৬)	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ময়মনসিংহ।
১৬.	জনাব শেখ হাফিজুর রহমান (৩২৯)	চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
১৭.	জনাব মোঃ জাকির হোসেন (৩৪১)	চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, ঝিনাইদহ।
১৮.	জনাব শাহরিয়ার কবির (৩৯৫)	উপ-সচিব (অতিরিক্ত জেলা জজ), বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন সচিবালয়, ঢাকা।
১৯.	জনাব মীর মোঃ এমতাজুল হক (৪১৮)	অতিরিক্ত জেলা ও দায়রা জজ, ঢাকা।
২০.	জনাব মোহাম্মদ আব্দুল্লাহ আল মামুন (৪৫৫)	অতিরিক্ত মহানগর দায়রা জজ, ঢাকা।
২১.	জনাব মোঃ আয়েজ উদ্দিন (৪৬২)	অতিরিক্ত জেলা ও দায়রা জজ, দিনাজপুর।
২২.	জনাব মোহাম্মদ ফারুক (৪৯২)	যুগ্ম জেলা ও দায়রা জজ, মুন্সীগঞ্জ।
২৩.	জনাব উৎপল চৌধুরী (৫০৮)	যুগ্ম জেলা ও দায়রা জজ, নারায়ণগঞ্জ।
২৪.	জনাব শেখ মোঃ মুজাহিদ-উল ইসলাম (৫৭৫)	অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, শরীয়তপুর।
২৫.	জনাব শেখ তারিক এজাজ (৫৭৯)	যুগ্ম জেলা ও দায়রা জজ, ঢাকা।
২৬.	জনাব এস, এম, আনিসুর রহমান (৬২০)	যুগ্ম জেলা ও দায়রা জজ, কুষ্টিয়া।
২৭.	জনাব শেখ ছামিদুল ইসলাম (৬৪০)	অতিরিক্ত চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
২৮.	জনাব মোঃ রেজাউল করিম (৬৫৮)	অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, পাবনা।
২৯.	বেগম সাদিয়া সুলতানা (৭৩৩)	যুগ্ম জেলা ও দায়রা জজ, রাজশাহী।
৩০.	বেগম ইসরাত জাহান (৮১৯)	সিনিয়র জুডিসিয়াল ম্যাজিস্ট্রেট, নারায়ণগঞ্জ।

২। মনোনীত কর্মকর্তাগণকে আগামী ০৭ অক্টোবর, ২০১৭ খ্রিস্টাব্দ তারিখ রোজ শনিবার সকাল ৯.৩০ ঘটিকা হতে বিকাল ৪.৩০ ঘটিকা পর্যন্ত Bangabandhu International Conference Center (BICC), ঢাকায় অনুষ্ঠিতব্য কর্মশালায় অংশগ্রহণের জন্য অনুরোধ করা হলো।

৩। এটি একটি সরকারি অনুষ্ঠান এবং উক্ত অনুষ্ঠানে আগত বিচার বিভাগীয় কর্মকর্তাগণ যাতায়াত ও কর্মস্থলের বাইরে অবস্থানের জন্য বিধি মোতাবেক টি,এ এবং ডি,এ প্রাপ্ত হবেন। উল্লেখ্য, জেলা জজ ও সমপর্যায়ের কর্মকর্তা/চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/চীফ মেট্রোপলিটন ম্যাজিস্ট্রেটগণ যাতায়াতের ক্ষেত্রে সরকারী গাড়ী ব্যবহারে প্রাধিকার পাবেন। যাঁরা গাড়ী ব্যবহার করবেন তাঁরা টি,এ প্রাপ্য হবেন না।

সংযুক্তিঃ খসড়া “Witness Management Policy for subordinate Courts and Tribunals.

স্বা:

(সোহাগ রঞ্জন পাল)

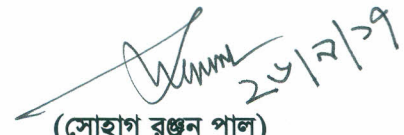
সহকারী রেজিস্ট্রার (প্রশাসন)

ফোনঃ ৯৫৮৮৪২৯

১। জনাব/বেগম জেলা ও দায়রা জজ/মহানগর দায়রা জজ/বিচারক (জেলা জজ), নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল/স্পেশাল জজ/উপ-সচিব (অতিরিক্ত জেলা জজ), বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন সচিবালয়/চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট/অতিরিক্ত জেলা ও দায়রা জজ/অতিরিক্ত মহানগর দায়রা জজ/যুগ্ম জেলা ও দায়রা জজ/ অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/অতিরিক্ত চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট/সিনিয়র জুডিসিয়াল ম্যাজিস্ট্রেট।

অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য অনুলিপি প্রেরণ করা হলোঃ (জ্যেষ্ঠতার ক্রমানুসারে নয়)ঃ-

১. সচিব, আইন ও বিচার বিভাগ, আইন বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
২. জেলা ও দায়রা জজ, সিলেট / ঢাকা / গাজীপুর / লালমনিরহাট / কুষ্টিয়া / সিরাজগঞ্জ / জয়পুরহাট / দিনাজপুর / মুন্সিগঞ্জ / রাজশাহী।
৩. মহানগর দায়রা জজ, চট্টগ্রাম/সিলেট/খুলনা।
৪. স্পেশাল জজ, পাবনা।
৫. সচিব, বাংলাদেশ জুডিসিয়াল সার্ভিস কমিশন সচিবালয়, ঢাকা।
৬. বিচারক (জেলা জজ), নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল, কুমিল্লা।
৭. চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট, ঢাকা।
৮. চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, চট্টগ্রাম/ঢাকা/ময়মনসিংহ/বিনাইদহ/শরীয়তপুর/পাবনা/নারায়ণগঞ্জ।
৯. মাননীয় প্রধান বিচারপতির একান্ত সচিব, আপীল বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
১০. গবেষণা ও তথ্য কর্মকর্তা, আপীল বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
১১. রেজিস্ট্রার জেনারেলের একান্ত সচিব, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
১২. সিস্টেম এনালিস্ট, হাইকোর্ট বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা (বাংলাদেশ সুপ্রীম কোর্টের ওয়েবসাইটে প্রকাশের অনুরোধসহ)।
১৩. জেলা হিসাব রক্ষণ কর্মকর্তা, সিলেট / ঢাকা / গাজীপুর / কুষ্টিয়া / লালমনিরহাট / সিরাজগঞ্জ / জয়পুরহাট / কুমিল্লা / পাবনা / চট্টগ্রাম / ময়মনসিংহ / বিনাইদহ / খুলনা / দিনাজপুর / মুন্সীগঞ্জ / রাজশাহী / নারায়ণগঞ্জ / শরীয়তপুর।



(সোহাগ রঞ্জন পাল)

সহকারী রেজিস্ট্রার (প্রশাসন)

ফোনঃ ৯৫৮৮৪২৯।

Draft

Witness Management Policy for subordinate Courts and Tribunals

Supreme Court of
Bangladesh

August 2017

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1. Preamble

Witnesses play a very fundamental role to achieve success in a criminal trial and to run an effective and efficient criminal justice system through which perpetrators of crime are made accountable to law and victims get justice. Criminal courts can only convict accused persons if they are satisfied that the accused persons are guilty beyond reasonable doubt assessing the evidence brought by the prosecution to prove or to disprove any fact. Courts place great reliance upon oral evidence of witnesses which is probed under cross-examination, to test its accuracy, truthfulness and reliability.

This policy aims to establish cooperation, coordination and communication between and among criminal justice sector institutions particularly court, police and prosecutor to foster better witness management in subordinate criminal Courts and Tribunals for reduction of time, cost and frequency of visit by witnesses and parties to a criminal proceeding and to reduce case backlog.

This policy further aims to expedite criminal trials, shrink possibility of escaping from justice by the offenders and enhance public trust and confidence upon courts and tribunals through increasing conviction rate by establishing better witness management.

Lastly, this policy aims to encourage witnesses to attend court proceedings in time by putting efforts to make courts and tribunals friendly and responsive to the needs and expectations of the witnesses.

2. Date of coming into force

This policy will come into effect on the date on which the Supreme Court of Bangladesh issues circular giving effect to it.

3. Extent of this Policy

This policy is to be followed by all subordinate criminal Courts and Tribunals upon which the High Court Division of the Supreme Court of Bangladesh exercises superintendence and control under article 109 of the Constitution of Bangladesh.

4. Definitions

4.1 Code

Code means the Code of Criminal Procedure, 1898

4.2 Court

Court means every criminal court and tribunal including court of magistrate upon which the High Court Division of the Supreme Court of Bangladesh exercises superintendence and control under article 109 of the Constitution of Bangladesh.

4.3 Expert witness

Expert witness is a witness who has been called to provide his opinion in connection to a matter because of his expertise over it.

4.4 General witness

All witnesses, other than the significant witnesses, are general witnesses.

4.5 Government employee

Government employee also includes a former government employee who has already gone into retirement.

4.6 Intimidated witness

Intimidated witness is a witness who has been threatened of severe consequences by any of the accused persons or person interested in the case if the witness gives evidence before court in connection with the same or any other case.

4.7 Official witness

Official witness is a witness who has become witness in a case due to performing his official duties.

4.8 Significant witness

4.3.1 Significant witness is a witness who has or claim to have witnessed, visually or otherwise, an offence or part of such an offence or events closely connected with it.

4.3.2 For the purpose of this policy every informant, complainant and victim shall also be deemed to be a significant witness.

4.9 Special Measures

Special measures are those measures to be provided on to a witness on grounds of fear, threat or distress about testifying.

4.10 Victim

A victim is a person harmed physically or mentally by an act or omission which constitutes crime.

4.11 Vulnerable witness

Vulnerable witness is a witness who is under 18 (eighteen) years of age; or a *pardanshil* lady who generally does not come before unacquainted persons or persons who are not her family

members; or experiencing mental ill health; or has suffered a significant impairment of intelligence due to previous physical or mental sickness; or has a physical disability; or is suffering from a physical disorder; or a person who is infirm due to his age over 70 (seventy) years.

4.12 Witness

A witness is a legally competent person who has seen, done or been informed something and gives testimony under oath or affirmation, in person, by oral or written deposition or by affidavit about what he has seen, done or been informed.

5. Principles to be followed by a court

The following principles shall be, as far as practicable, followed by every court in relation to managing witnesses:

- a) A witness shall not be sent back unexamined for sole inconvenience of a Judge;
- b) In no case courts shall send back Official and Expert witnesses unexamined;
- c) Subject to the provision of section 265G (2) or 349 (2) or 349A or 350 of the Code, a witness shall not be examined or cross-examined in different sittings or in different days without any reasonable cause. However, this provision shall not bar a court from recalling a witness on a different day who has already been examined or cross-examined in the same court in connection with the same case for the purpose of re-examination;
- d) Court shall not issue summons/warrant upon more witnesses than actually it can examine in a day;
- e) Every witness shall be treated with dignity, fairness and respect and shall be valued for their contribution in upholding rule of law;
- f) Courts shall recognize and be responsive to victims' and witnesses' individual needs;
- g) Every witness shall be provided with easy access to information about the criminal justice system.
- h) Courts shall ensure that the prosecutors do not return any witness brought by police without consent of the respective court.

6. Minimum facilities to be offered to witnesses in a court

6.1 Every Judgeship and Magistracy shall endeavor to provide a room in their respective premises for witnesses to wait for their call from court for examination with adequate sitting and washroom facilities.

6.2 If, due to shortage of space or lack of infrastructural facilities or for any other reason, it is not possible for Judgeship and Magistracy to provide a room in their respective premises for witnesses to wait for their call from court for examination, alternative arrangement may be made in consultation and cooperation with district administration and police.

6.3 In every witness waiting room there should be a help desk for the witnesses which will serve as information point for them. The help desk will be manned by the respective Judgeship or

Magistracy. If in a district allocating separate space for witness waiting rooms for Judgeship and Magistracy is not possible, the District Judge in consultation with the Chief Judicial Magistrate, shall appoint one or more person(s) as help desk representative(s).

6.4 The help desk representative will maintain a register “RW-I” as provided in the schedule of this policy to keep an account of the witnesses he receives in the waiting room.

6.5 None, other than the witnesses, will have entrance to the witness waiting room. Help desk representative shall be responsible for ensuring it.

6.6 Keeping in view the special needs of the women witnesses a portion of the witness waiting room should be kept separated for exclusive use of women with adequate sitting and washroom facilities.

6.7 In every Judgeship and Magistracy there shall be a breast feeding corner for female witnesses with sucking infants.

6.8 In every witness waiting room safe drinking water facility should be provided free of cost.

6.9 As far as practicable, there shall be arrangement of facilities for the physically challenged witnesses.

6.10 During examination inside the witness enclosure (*kathgora*) sitting facilities should be offered to the elderly, infirm and vulnerable witnesses.

6.11 During examination a witness shall be provided with the assistance of an interpreter if he does not speak the language of the court.

7. Information to be supplied to the witnesses

7.1 Every witness is entitled to receive-

7.1.1 appropriate/necessary information in a timely manner from a center point of contact in courts about the nature of the justice process;

7.1.2 what courts expect of him and what he can expect in return;

7.1.3 information relating to support he may receive from court or other agencies which interact with him; and

7.1.4 practical help in relation to protect himself from the wrath of the accused or other interested persons where he has been threatened of severe consequences if he shows up as a prosecution witness in court against the accused persons.

7.2 An information leaflet containing all aspects of a witness’s role in courts, the steps involved when a witness is asked to attend court to testify, the procedure through which he is likely to go

through in the day in which he has been summoned to give evidence and other relevant information may be supplied to him at the time when he is served with summons/ warrant. The said leaflet may also contain easily understandable map of the court house for convenience of the witnesses to come to the court unassisted.

7.3 Courts may install signboard, digital display board, banner or other information providing objects containing information mentioned in clause 7.2 in conspicuous places of their respective premises.

8. Special measures for intimidated and vulnerable witnesses

8.1. The following special measures may be taken by the courts to protect intimidated or vulnerable witnesses from further victimization-

- a) Accompanying the intimidated or vulnerable witness to the court by police and use of a side entrance to enter and leave the court building
- b) Providing a separate waiting room for the intimidated or vulnerable witnesses;
- c) Placing an opaque screen with small hole in it around the witness box (*kathgora*) which prevents the accused persons from seeing the witness but enables the witness to identify the accused persons in dock. The screen is to be placed in such a way that Judge, prosecutors and the defence lawyers are able to see the witnesses;
- d) In the alternative to arrangements of clause 8.1.c) an intimidated or vulnerable witness may be allowed to wear mask or veil (if the witness is a woman) covering the face.

8.2. Subject to the amendments of laws governing the area the court may record evidence of intimidated or vulnerable witnesses through video conferencing.

9. Identification of witnesses in charge sheet, prosecution report or in complaint petitions

9.1. Police shall be asked to submit charge sheet or prosecution report stating, among others, name of the witnesses, their service identification number (in case of government employees), personal mobile phone number and e-mail address (if any) by the cognizance court or by the tribunal taking cognizance.

9.2. Magistrate or the tribunal taking cognizance of a case may refuse cognizance hearing unless the provision of clause 9.1 is complied with.

9.3 Police shall also be asked to submit personal contact numbers of the informant, victims and other witnesses of a case in a form of report in which police already has submitted charge sheet before this policy comes into effect.

9.4. Chief Judicial/Chief Metropolitan Magistrate shall ensure compliance of clause 9.1 and 9.3 by the police through dialogue with them in every Police-Magistracy Conference required to be held once in a month.

9.5. In case of complaints to Magistrates under Chapter XVI of the Code the Magistrate may refuse to issue summons or warrant against the accused under section 204 (1A) of the Code if he thinks compliance of clause 9.1 is possible, but has not been done by the complainant.

10. Matters to be taken into consideration before summoning a witness

10.1. Courts must take into consideration the following before summoning witnesses on a day-

(a) the maximum number of witnesses possible to be examined during the court hour on that day;

(b) whether the presiding officer of the court will remain on leave on that day.

10.2 Courts must not issue summons against more witnesses than the maximum possible number of witnesses examinable during the court hour on a day. This number varies in accordance with the abilities of a person, but in general, should not be more than 20 (twenty).

10.3 Before taking leave on a day the presiding officer of a court must see whether any significant witness, official witness, expert witness or government employee working in Police, RAB, BGB, department of narcotics, government hospitals or other government departments has been summoned on that day. If he has been so summoned, the presiding officer shall, upon being sure about the presence of the witness on that day, inform his controlling officer about the fact who shall make sure that the judge in charge of that court records evidence of that witness.

10.4 If on a given day the presiding officer of a court feels that due to shortage of time or his own sickness or for any other reason he is unable to examine all the witnesses present in his court on that day, he must refer the matter to his controlling officer who shall instantly, by order, cause the records to be transferred to one or more courts for examining the said witnesses.

10.5 If the Session Judge of a Judgeship or Chief of a Magistracy himself on a given day feels that due to shortage of time or his own sickness or for any other reason he is unable to examine all the witnesses present in his court on that day, he must transfer the case records to one or more courts who have jurisdiction to try the cases, for examining the witnesses.

11. Summons and warrant management in courts

11.1. Courts should generally issue summons to the witnesses at the first instance. However, they may issue Witness Warrant (W.W.) or Non-bailable Witness Warrant (N.B.W.W.) at the first instance if necessary.

11.2 Every Court shall maintain a top sheet shown in “Annexure-A” to be known as “Summons/Warrant issuance top sheet” and to be attached atop of every case record to track the issuance of summonses/warrants against the witnesses and the feedback received from police.

11.3. In a given date not more than 5 (five) significant witnesses should be summoned to a court. Other 15 (fifteen) witnesses to be summoned on that day should be general witnesses.

11.4 Witness Warrant or Non-bailable Witness Warrant shall generally be issued if a witness does not come before the court after issuance of summonses against him.

11.5 For the purpose of issuance of summonses/warrants every court shall maintain a separate “Summons/Warrant Dispatch Register” in the form RW-II shown in the schedule of this policy.

11.6 If it is evident from record that even after issuance of several Non-bailable Witness Warrants a significant witness does not appear before court issuing N.B.W.W., the court shall refer the matter for discussion and feedback from police in the Police-Magistracy Conference in the form shown in “Annexure-B”. The Chief Judicial Magistrate or Chief Metropolitan Magistrate, as the case may be, after receiving the reference cause it to be included in the agenda of the Conference and after receiving feedback from police over the issue inform the concerned court about it in the form shown in “Annexure-C”

11.7 If even after referring the matter of non-appearance of witnesses in Police-Magistracy Conference as stated in clause 11.6 police fail to produce witnesses, the court may issue N.B.W.W. with a copy of order sheet to the appropriate authority of police to take necessary steps for producing the witnesses in question. However, court must ensure that on the day fixed for examining the said witnesses if police produces them, the witnesses are not released unexamined.

12. Setting same date in several cases for Medical Officers, Investigating Officers and other government employees who are required to be examined

12.1 Every Judgeship, Magistracy and individual court created under special laws shall prepare a list of Medical Officers, Investigating Officers and other government employees who have provided reports in several cases pending in the Judgeship, Magistracy or individual court.

12.2 In every Judgeship and Magistracy a Judicial Officer is to be assigned to prepare the list mentioned in clause 12.1 in register RW-III shown in the schedule of this policy. The Judicial Officer so assigned shall be known as “Witness Coordinating Officer” for the purpose of this policy. Generally the Judge-in charge *Nejarat* should not be the Witness Coordinating Officer and the officer appointed in the district Judgeship in this behalf shall act as Witness Coordinating Officer for individual criminal courts in the district.

12.3 A court before summoning a government employee mentioned in clause 12.1 for examining him as witness in one case shall see whether the same employee can be summoned for other cases pending before it on the same date. If the other cases are also in such a stage that the said

government employee can be examined on the same date, the court shall follow the process mentioned in clause 12.4 to fix a date for examining him.

12.4 A court before summoning a government employee mentioned in clause 12.1 for examining him as witness inform it to the Witness Coordinating Officer who shall contact with the government employee, if his contact number is available, for setting a suitable date for his examination. Once a date is agreed, the Witness Coordinating Officer shall inform it to the concerned court, who shall fix the agreed date for examining the said witness.

12.5 The Witness Coordinating Officer shall inform the agreed date to all other courts for examining the said government employee. Every court then fixes the same agreed date for examining the said government employee if any case pending before it in which that government employee is required to be examined as witness.

12.6 Even if the Witness Coordinating Officer fails to make contact with the government employee as stated in clause 12.4, all courts shall fix the same date through the Witness Coordinating Officer for examining the same government employee in all cases in which he is required to be examined as a witness.

12.7 Witness Coordinating Officer shall send a scan copy of summons/warrant to the government employee, after making with him initial contact, through e-mail. If the government employee does not have an e-mail address, Witness Coordinating Officer shall ensure serving at least one copy of summons/warrant as soon as possible through Court Inspector. Courts fixing the same date for examining the government employee shall issue summons/warrant of other cases in proper channel.

13. Receiving witnesses at court and sending them to the Public Prosecutors

13.1 Court Inspector after receiving witnesses in GR section shall send the witnesses to the concerned Public Prosecutor with two copies of “Witness Attendance Sheet” (*Hajira*), one original copy and the other carbon copy. In every “Witness Attendance Sheet” (*Hajira*) the case number; name of the witnesses and the time when the witnesses have been sent to the Public Prosecutor shall be clearly written.

13.2 Original copy of the “Witness Attendance Sheet” (*Hajira*) shall be filed with the concerned Court. Carbon copy of the same shall be served to the Public Prosecutor along with the witnesses.

13.3 Every court shall provide information to the GR section at the end of the day about the status of the witnesses as to whether they have been examined or not.

14. Examination of confessional statement recording Magistrates

14.1 Courts may ignore examination of confessional statements recording Magistrates in light with the spirit of law enunciated in section 80 of the Evidence Act, 1872.

14.2 However, if a court finds it compelling for the requirement of special circumstances, it may issue summons against a confessional statement recording Magistrate for examining him as a witness.

14.3 If the whereabouts of the Magistrate against whom a summons is to be issued are not known, and if police fail to provide his present rank and posting, the court shall make an enquiry through the Witness Coordinating Officer in the concerned section of Ministry of Public Administration/Justice Division of Ministry of Law, Justice and Parliamentary Affairs/Supreme Court of Bangladesh about the Magistrate and after establishing contact with him issue summons against him.

14.4 If the Magistrate mentioned in clause 14.3 holds high rank and posting in the government secretariat, and due to his important public duty is unable to manage time in near future to come to court, the court may order for examining him on Commission.

14.5 To give effect to the Rule 50 of the Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) 2009 every Witness Coordinating Officer shall maintain a record of the Judicial Officers who have recorded confessional statement of accused persons under section 164 of the Code in different cases.

14.6 When a Judicial Officer is about to leave the station on transfer or leave for a longer period than 6 (six) months for any reason, every court shall examine him in cases in which he is required to give evidence because of recording of confessional statement of accused persons or for any other reason, if in those cases examination of witnesses has begun.

15. Matters to be taken into consideration while fixing expenses of the witnesses by the courts and the procedure to provide the same to the witnesses

15.1 When a Magistrate on the application of the complainant or accused, issues a summons to any witness directing him to attend or to produce any document or other thing, he may, before summoning any witness on such application, require under section 244 (3) of the Code that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

15.2 When an Executive Magistrate pass a decision under section 145, section 146 or section 147, he may decides to realize expenses incurred in respect of witnesses as mentioned in section 148(3) of the Code.

15.3 When any criminal court thinks fit, it may order payment under section 544 of the Code, on the part of the government, of the reasonable expenses of the complainant or the witness attending for the purposes of any inquiry, trial or other proceeding before such court.

15.4 While calculating the reasonable expenses of a witness as described in the preceding clauses, the following matters should be taken into consideration by the Magistrate:

- (a) Actual transportation cost of the witness from place of abode to court and from court to the same place of abode

(b) the day's income of the witness from his profession, which he would have earned had he not been summoned to the court

(c) cost of at least three times moderate meal of the day for the witness

(d) cost of producing any document or other thing in the court by the witness

15.5 When a court orders payment of expenses of witnesses under section 544 of the Code, the said amount may be drawn from economic code "4899-Other expenses" of the budget of the Law and Justice Division until the government creates new economic code titled "Expenses of witnesses".

15.6 Courts must ensure that as soon as a witness completes testifying, he receives his expenses from the same court on the same day without any delay.

15.7 Every court must appoint an employee to deal with the matter relating to expenses of the witnesses. The person so appointed shall make arrangement of funds beforehand in accordance with the "Witness Attendance Sheet" (*Hajira*) filed in the said court under clause 13.2 of this policy.

15.8 Every court shall ensure that any retired government employee who has been called as witness and has testified before court, gets expenses mentioned in section 544 of the Code.

16. Tender of pardon to the accomplices and recording of their evidence

When an accomplice is tendered pardon under section 337 or 338 of the Code on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence, he is to be provided all facilities admissible to a witness under this policy as far as practicable.

17. Recording of evidence on Commission and adjournment

17.1 In every case in which a commission is issued under section 503 or section 506 of the Code, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission only when commission is issued against a significant witness.

17.2 When commission is issued against a Magistrate under clause 14.4 generally the case should not be adjourned for execution and return of the same.

18. Use of technology in recording evidence

18.1 For speeding up the process and ensuring legibility of recorded text the presiding officer of a court may record the evidence of a witness by typing the text of the deposition in a computer using appropriate software.

18.2 If the presiding officer of a court is unable to take down evidence in aforementioned way by his own hand, he may cause it to be taken down in writing from his dictation in open court by one of his staff members who shall type the text of the deposition in a computer using appropriate software.

18.3 The computer shall have to be installed in the *ejlas* of the Judge with a dedicated printer.

18.4 Before signing the printed copy of the recorded evidence the concerned Judge must satisfy himself that the evidence has been recorded in accordance with his direction. The Judge shall also ensure that the witness has got opportunity to verify its correctness before signing it.

18.5 For every witness one distinctive word file (.doc. or .docx) has to be created. For naming the file “<Case Number> <Witness number i.e. PW-1 or DW-1> <Date of Examination>” this format shall have to be followed. All word files containing deposition of witnesses of a case have to be preserved in a folder having the court name and case number as its label.

19. Imprisonment or committal of person refusing to answer or produce document

If any witness or person called to produce a document or thing before a criminal court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the court requires him to produce, and does not offer any reasonable excuse for such refusal, such court should strictly follow the procedure laid down in section 485 of the Code.

20. Enforcement of punishment for non-attendance by a witness in obedience to summons

20.1 If any witness being summoned to appear before a criminal court without just excuse neglects or refuses to appear, he shall be strictly dealt with under section 485A of the Code.

20.2 Before dealing with any witness under section 485A of the Code, a Judge must enquire and satisfy himself that summons /warrants were duly served upon him.

20.3 Though willful disregard of only one summons is sufficient for taking action against a witness under section 485A of the Code, courts generally take a very lenient view in such cases. It is desirable that courts must take action against a witness if he disregards three consecutive summonses or warrants.

21. Courts shall follow special rules of evidence

21.1 Where in any trial under the Code the report of a post-mortem examination is required to be used as evidence, and the Civil Surgeon or other medical officer who made the report is dead or is incapable of giving evidence or is beyond the limits of Bangladesh and his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the courts generally should use such report as evidence without calling the Civil Surgeon or other medical officer as witnesses as per the direction given in section 509A of the Code.

21.2 Courts should generally use any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to government or any serologist, handwriting expert, finger print expert or fire-arm expert appointed by the government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under the Code as evidence in any trial without calling him as a witness as per direction given in section 510 of the Code.

21.3 If any court follows the course of clause 21.1 and 21.2 in any trial, it shall give reference of the concerned section of the Code in its judgment as a reason for doing so.

22. Role of Public Prosecutors in better witness management

22.1 No public prosecutor shall let any prosecution witness go unexamined for sole reason of his inconvenience.

22.2 If, for any reasonable cause, a Public Prosecutor becomes unable to present the prosecution witnesses in the concerned court for examination, he shall inform it to the court in writing.

22.3 Every Public Prosecutor, before examination of a prosecution witness is held, shall ensure the production of *alamat*, if any, from *malkhana*, in connection of that witness.

22.4 If courts find that a Public Prosecutor is negligent in performing his duties, it shall refer the matter to his appointing authority and, if negligent behavior of the Public Prosecutor tantamount to professional misconduct it shall refer the matter to the concerned authority of Bangladesh Bar Council under Article 32(2) of the Bangladesh Legal Practitioners and Bar Council Order, 1972

23. Reporting to and Monitoring by the Supreme Court

23.1 For effective implementation of this policy every court shall send a report in every three months to the Monitoring Cell of the Supreme Court of Bangladesh.

23.2 Monitoring Cell, after summarizing the report, place it before the Monitoring Committee for Subordinate Courts of the High Court Division for necessary order.

23.3 In every three months Monitoring Cell shall send feedback to the concerned court with the observation of the Monitoring Committee for Subordinate Courts of the High Court Division on the report sent by the concerned court.

Schedule of the policy

Register No. RW-I

Register of Witnesses received in witness waiting room

Name of the District/Metropolitan area.....

Witness waiting room situated in.....

Sl	Date	Name of the Witness	Gender of the witness	Court name and Case no. in connection of which the witness has been summoned/warranted	Check in time	Check out time	Signature / thumb impression of the witnesses
1	2	3	4	5	6	7	8

Register No. RW-II

Summons/Warrant Dispatch Register

Name of the District/Metropolitan area.....

Name of the Court.....

Sl	Date	Name of the Witness	Case No.	Process type	To whom	How is it sent (If by a peon of the court, his name)	Received by	Comment
1	2	3	4	5	6	7	8	9

Register No. RW-III

Register of Witnesses (Government Employees)

Name of the District/Metropolitan area.....

Name of the witness	:	
Designation	:	
Service ID No.	:	
Personal Mobile No.	:	
E-mail Address	:	
GEW No.	:	

Cases in which he is required to examine as witness

SL No.	Case No.	Date of framing charge	Name of the Court	Date fixed for examination	Comment

Annexure-A

Summons/Warrant issuance top sheet

Name of the Court.....

Case No..... Corresponding GR/CR/Non-GR case no..... PS case no.....

..... Vs.....

SL.	Serial no. & Name of the witness in charge sheet or CP	S/W date	issue	Return Report	S/W date	issue	Return Report	S/W date	issue	Return Report	Date of examination of the witness
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
9.											
10.											
11.											

Note1: PS=Police Station; CP=Complaint Petition; S/W=Summons/WW/NBWW

Note2: In "Return Report" cell write "served" if S/W is duly served, write "N/S" if it is not served and specific reason like "not found = N/F"; "Staying abroad=SA"; "Addressed Changed=AC"; "Dead" and so on.

Note 3: Use extra sheets, if necessary.

Annexure-B

Reference to the Police Magistracy Conference

Name of the District/Metropolitan area.....

Memo:

Date:

Conference no..... Year..... Scheduled date

To
The Learned Chief Judicial/Chief Metropolitan Magistrate,
.....

From
Name:.....
Designation:.....

Subject: Request to include in the agenda of the conference the discussion on the following cases in regard to presenting witnesses before the court.

SL	Case No.	Name of the witness	Process issued so far	Steps taken by the police	Comment

Sincerely Yours
(Signature)

Annexure-C

Feedback from Police Magistracy Conference

Name of the District/Metropolitan area.....

Memo:

Date:

Conference no..... Year..... Held on

To

Name:.....

Designation:.....

From

The Chief Judicial/Chief Metropolitan Magistrate,

.....

Subject: Feedback from Police Magistracy Conference on the following cases:

Your Memo No..... Date:.....

SL	Case No.	Name of the witness	Steps to be taken by police	Name, designation and contact number of the concerned person of police	Comment

Sincerely Yours
(Signature)