

Court Procedures:

(A) Summon: Witness attend the court after getting a document called Summon / Subpoena.

- Police summon - Sec 160 CrPC
Court Summon - Sec 61-69 CrPC
- For not attending summon - The court will issue a notice (Sec 350 CrPC)
 - Court will punish (6 months jail / ₹ 1000 fine)

Two types of Summon:

- Subpoena Ad testificandum - Witness is called to court for giving evidence.
- Subpoena Ducus tecum -
 - Need to provide document
 - Willful disobedience to summons is punishable
 - Court can give Notice / Warning / fine / Jail.

Priority For Summons received on Same date:

- Higher Courts > Lower court Summon
- Criminal Court Summon > Civil Court
- Two summons of Equal Status:
 - Attend 1st Court Summon & inform the other court.

(B) Oath : Hippocratic oath, taken in name of god, first described in Declaration of Geneva.

- Three components - Truth, whole truth, Nothing but the truth.
- Atheist Person should say, "I solemnly affirm".
- Oath not required below 12 yrs of age.

Hostile Truth - Conceal truth / Changing statement after oath (Sec 154 IEA)

Perjury - Telling lie after taking oath (Sec 193 IPC)

* IPC 193 - Punishment for Perjury

IPC 197 - Punishment for making false certificate

IPC 201 - Punishment for Disappearing evidences.

(C) Examination of Witness:

(i) Chief examination - by same party Lawyer (Sec 137 IEA)

(ii) Cross examination - by opposite party Lawyer (Sec 145 IEA)

- No time limit

- Leading question asked.

- Re examination (by same party Lawyer)

- Question by Judge - Any time.

* Leading question - Questions that have answer is Yes/No. Defined under Sec 141 IEA

(Not allowed in Chief Examination, only in Cross examination.)

(D) Conduct Money :

travel, food etc.

- Paid to witness to summon (their expenses)
- Also called DIET Money, paid in civil cases only by the party
- Not paid in criminal cases, except for expert witness (Sec 312 CrPC), paid by Court.

Dying Declaration & Dying Deposition :

S.No.	Feature	Dying declaration	Dying deposition
1.	Statement	Recorded by a magistrate/doctor/village headman/police	Always recorded by a Magistrate
2.	Oath	Not required	Must
3.	Accused or his counsel	Not present	Always present
4.	Cross-examination	Not done	Done
5.	Legal value	Comparatively less	Much more
6.	Admissibility, if declarant survives	Not admitted, but has corroborative value	Fully admitted
7.	Role of doctor	• Assess compos mentis • To record the statement in absence of Magistrate, but in presence of witnesses	• Assess compos mentis • Statement always recorded by the Magistrate
8.	Status in India	Followed	Not followed



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