

**RULES REGULATING THE PAYMENT OF EXPENSES TO
COMPLAINANTS AND WITNESSES IN CASES COMING
BEFORE CRIMINAL COURT**

Notification No. 8598-J

the 30th March, 1981

In exercise of the power conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974) and in supersession of all previous rules, orders and Memoranda on the subject, the Governor is pleased hereby to make the following rules :—

Rules

1. (1) These rules may be called the **West Bengal Complainants and Witnesses (Diet Allowance, Conveyance charge and Compensation) Rules, 1981.**

(2) They shall come into force with effect from the 1st April, 1981.

2. The Criminal Courts are authorised to pay at the rates prescribed by these rules the expenses (a) of complainants or witnesses, whether for the prosecution or for the defence, (i) in cases in which the prosecution is instituted or carried on by, or under the orders or with the sanction of Government or of any Judge, Magistrate or other public officer, or in which it shall appear to the presiding officer to be directly in furtherance of the interests of the public service and (ii) in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code) as not bailable; and (b) of witnesses in all cases in which they are compelled by the Magistrate of his own notion to attend under the provisions of section 311 of the Code.

3. If the witness is summoned at the instance of the complainant or accused under section 254 of the Code his expenses shall not be withheld from him except on the ground of failure to do his duty as a witness when summoned.

4. The Criminal Courts are authorised to pay to the complainant or witnesses diet allowance at the following rates, namely :—

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| (a) For persons without any income and agricultural labourers | — | Rs. 4/- per day. |
| (b) For others earning below Rs. 400/- per month. | | Not exceeding Rs. 8/- per day. |
| (c) For others earning between Rs. 400/- and Rs. 899/- per month. | — | Not exceeding Rs. 12/- per day. |

