

1896,
October 19.

THE QUEEN v. BARON.

D. C. (Criminal), Badulla, 4,256.

Witnesses—Necessity of eliciting from them particulars as to their station in life, &c.—Appeal in criminal cases—Record as to amount of bail asked, and offer to release appellant on bail.

In examining witnesses it is the duty of a Judge to elicit from them and record who they are, what their station in life is, and where they live, so that the Appeal Court may have some material to form an opinion as to their means of knowledge and credibility.

When an appeal is taken from a judgment or order of a Criminal Court it is its duty to release the appellant on bail in a reasonable amount, and to make a record of the amount of bail asked, and of the fact that an offer to release on bail was made.

IN this case the accused was convicted, on the evidence of two witnesses called for the prosecution, of theft of a basket of fowls.

In appeal *Bawa*, for appellant ; *Templer, C.C.*, for respondent.

19th October, 1896.

BONSER, C.J., in the course of his judgment, observed as follows :—

I have to complain that the District Judge has not taken down any evidence as to who and what the witnesses are, whether men or women or children. The duty of a Judge is to record such facts—to ask witnesses who they are, what their station in life is, and where they live, so that the Appeal Court may form some opinion as to their means of knowledge and as to their credibility. They may be, so far as appears on the record, destitute beggars, or they may be persons of the highest character and respectability.

* * * * *

I observe that there is no entry in the record of the amount of bail which the appellant should have been required to give under section 408 of the Criminal Procedure Code. It is the duty of the Court when an appeal is presented to release the appellant on bail in a reasonable amount, and the fact that the offer was made should be recorded.

