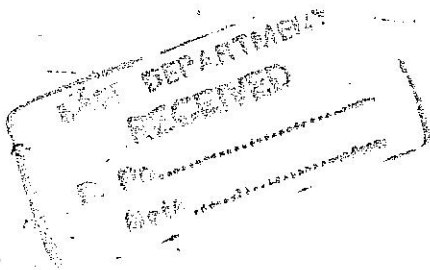


**The Tripura Criminal Procedure (Payment of  
Expenses to Complainant and Witness) Rules, 1972**

(As Amended upto 4<sup>th</sup> Amendment dt. 01-10-2016)





GOVERNMENT OF TRIPURA  
LAW DEPARTMENT

No. F. 3(1)-J/71.

Agartala, the 19th July, 1972.

NOTIFICATION

In exercise of the powers conferred by section 1[B12 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974)], and in supersession of the late Judicial Department notification No. F. 4(6)-J/54, dated 31.12.55 the State Government hereby makes the following rules to regulate the payment of expenses to any complainant or witness attending for the purpose of any enquiry, trial or other proceeding before any criminal court in the State of Tripura, namely :

Short title,  
extend and  
commencement.

1. (1) These rules may be called the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972.

(2) They extend to the whole of Tripura.

(3) They shall come into force at once.

Payment of  
expenses at  
daily rates.

2. (1) The criminal Courts may, at the rates prescribed by these rules, make payment of 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 of or with the sanction of Government or any Judge, Magistrate, or other Public Officer, or in which it shall appear to the Presiding Officer to be directly in furtherance of the interest of the public, and

(ii) in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable, and

(b) of witnesses in all cases in which they are compelled by the Magistrate of his own motion to attend under the Provision of section 540 of the Code of Criminal Procedure.

(2) If a witness is summoned at the instance of the complainant or accused under section 244 of the Code, his

1. Amended by the Amendment Act, 1973.

expenses shall not be withheld from him except on the ground of failure to do his duty as a witness when summoned.

(3) (a) For the purpose of computing the expenses which the Criminal Courts are authorised to pay under these rules, complainants and witnesses shall be divided into two classes, namely :—

(i) labourers and ordinary cultivators and other persons of similar class and

(ii) persons of better position, and the allowance shall ordinarily be a diet allowance, which may be paid to persons coming under class (ii) on demand by them, and to persons coming under class (i) as a general rule.

(b) Such allowance shall be calculated for each person at the daily rates within, and never exceeding, the maximum limits specified below opposite the territorial description of the Court in which the complainant or witness appears :

Description.	Per diem Class (i)	Per diem Class (ii)
Courts in all Sub-Division.	<sup>1</sup> [Upto Rs. 6/-]	<sup>2</sup> [Upto Rs. 10/-]

Cost of conveyance.

3. (1) Complainants and witnesses performing the journey or part of the journey by any public conveyance, not being an air plane, may be allowed their actual fares each day according to the class by which persons of their rank and station in life would ordinarily travel.

(2) Charges for toll at ferries will be allowed at the rates to the extent to which they have actually been incurred.

(3) Other travelling expenses will be given only when the journey could not have been performed on foot, or in the case of persons whose age, position and habits of life render it impossible for them to walk. In such cases, in addition to the allowance permitted by the preceding rules,

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1. }  
2. } Amended by the Amendment Rules, 1979.

travelling allowance shall be given at the following rates, namely :—

- (a) when the journey is by any kind of conveyance by road, the actual reasonable conveyance charge upto a maximum limit of 32 paise per kilometre, and
- (b) in districts where the usual mode of travelling is by water, the actual expenses incurred for boat-hire upto a maximum of rupees ten a day.

(4) In hill districts, where it is customary for persons to be accompanied by a man carrying their baggage, when such a person is summoned from a distance of more than eight kilometres, he may be allowed the actual cost incurred for the hire of one porter.

NOTE :— No complainant or witness shall be allowed cost of conveyance by air planes without the written permission of the State Government. No such permission will, however, be necessary in respect of air journeys under taken by the complainant or the witness concerned which are authorised by the Government to Government servants in relaxation of the provisions of S. R. 30.

Payment of compensation for the loss sustained by the complainant or witness.

4. (1) If the Court is of opinion that any person following any trade or profession or engaged in any commercial undertaking has suffered substantial loss by reason of his attendance as a witness or complainant, the Court may allow him, in addition to the diet money and travelling expenses permissible under the foregoing rules, reasonable compensation according to the circumstances or the amount of loss proved to have been actually incurred :

Provided that where such loss is proved to exceed rupees twenty five a day, or rupees one hundred and twenty in all, the case shall be reported to Government for orders along with a full statement of the facts and of the proof adduced in support of claims.

(2) When summoning a witness of this class the Government may at its discretion permit him, if feasible to apply for a change of the date fixed for his appearance, where

such a change would reduce the amount of loss entitled to the witnesses by his appearance.

Manner of payment travelling, etc. allowances to Government servants.

5. Notwithstanding anything contained in these rules, Government servants when summoned to give evidence in their public capacity shall receive no payment from the Court on account of travelling or halting allowance but shall be entitled to draw such allowance under the rules framed by Government on producing a certificate of attendance granted by the Court. Any fees or expenses which may be deposited in the Court for the travelling and subsistence allowance of Government servants summoned to give evidence in their official capacity shall, in case of Government servants, serving in connection with the affairs of the State, be credited, subject to the provisions of rules, 6, to the State revenues.

Provided that—

- (i) When a Government servant is required to give evidence in his public capacity at a Court situated not more than eight kilometres from his head quarters, the Court shall be authorised, where it considers necessary and notwithstanding anything contained in this rule, to pay the actual travelling expenses incurred :
- (ii) When the salary of the Government servant so summoned does not exceed rupees one hundred and fifty per mensem, he shall be paid his expenses by the Court.

NOTE.— For the purpose of this rule, the salary of a Government servant shall include his total emoluments.

Payment of travelling allowances etc. to the employees other than Government servants.

6. In the case of employees of the Government of India or a Government Railway or any other Commercial Department of Government summoned to give evidence in their public capacity in criminal cases, fees or expenses deposited for the travelling and subsistence allowances referred to in rule 5, shall be credited in the treasury in the case of an employees of—

- (a) The Government of India, to that department of the Government of India to which he belongs ;

- (b) a Government Railway, to that railway to which he belongs, and
- (c) any other Commercial department of Government to the Department to which he belongs ;
- and to enable this to be done the following particulars will be inserted in the Chalan—

- (1) Number of case.
- (2) Name of Witness.
- (3) Official designation.
- (4) Office in which employed.
- (5) Name of Court in which he appeared.
- (6) Date of hearing.
- (7) Names of Parties in the case.
- (8) Total amount.

NOTE :—A timely intimation shall be given to the Nazir or the Magistrates Cashier, as may be, of the Court concerned that the statement of the Government servant appearing as a witness had been duly recorded so that there may be no avoidable delay in crediting the fees or expenses deposited for the travelling and subsistence allowances referred to in rule 5 into the treasury under the relevant head and before the record of a decided case is consigned to the record room. In additional copy of the chalan crediting the money at the Nazir into the treasury shall be attached to the record of a decided case. The recordkeeper shall not receive any record to which the chalan is not attached.

7. Notwithstanding anything contained in sub-rule (3) of rule 2 and rule 3, whenever the Court requires the expenses of a Government Officer, summoned as witness in his official capacity to be deposited in advance, the term "expenses" shall be interpreted to mean the travelling and halting allowance admissible under the rules framed by Government.

8. Government servants, when summoned to give evidence in their private capacity, shall be paid by the Court such travelling allowance as is paid to persons of similar status in the manner provided under rule 3 of these rules.

Meaning of  
the term  
"expenses".

Payment of  
travelling  
allowance to  
Government  
servants  
according to  
the status.

Determination  
of number of  
days for diet  
allowance

Application of  
these rules  
witness is in  
connection  
with enquiries  
held by Civil  
Courts.

Manner of  
payment of  
expenses of  
witnesses in  
Sessions Courts.

9. The number of days for which diet allowance should be granted shall be determined by the officer order in payment in each case.

10. These rules shall apply to witnesses summoned to give evidence in enquiries held by Civil Courts under Chapter XXXV of the Code of Criminal Procedure.

11. (1) Notwithstanding anything contained in these rules, the expenses of witnesses in Sessions Courts shall not be paid if such witnesses are not examined, unless, after such summary enquiry as he may consider necessary, the presiding Judge of the Court considers that such witnesses, if they had been examined, would have been in a position to give relevant and materials evidence in the case in which they have been summoned, or unless in the opinion of such presiding Judge there are such special circumstances, as would justify the payment of their expenses.

(2) Nothing in this rule shall be deemed to authorise the withholding of the expenses of witnesses in cases in which they are compelled by the Court of its motion to attend under the provision of section 540 of the Code of Criminal Procedure, 1898, except on the ground of failure to do their duty as witnesses when summoned.

By order of the Governor,  
S. Chakraborty,  
Secretary,  
Government of Tripura.



TRIPURA



GAZETTE

Published by Authority  
EXTRAORDINARY ISSUE

Agartala, Saturday, November 17, 1979 A. D.  
Kartika 26, 1901 S. E.

PART I—Orders and notifications by the Government of Tripura,  
the High Court, Government Treasury etc.

Government of Tripura  
Civil Secretariat  
Law Department

Dated, Agartala, the 6th November, 1979.

F. 3 (1)-J/71

NOTIFICATION

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974), the State Government hereby makes the following rules to amend the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972, namely :—

1. (1) These rules may be called the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Amendment Rules, 1979.
- (2) They shall come into force on and from the date of their publication in the Official Gazette.
2. In clause (b) of sub-rule (3) of rule 2 of the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 :—
- (a) for the words, figure and marks "upto Rs. 4/", the words, figure and marks "upto Rs. 6/-" shall be substituted ; and
- (b) for the words, figure and marks "upto Rs. 12/-" the words, figure and marks "upto Rs. 10/-" shall be substituted.

By order of the Governor,

H. Das

Secretary to the Government of  
Tripura & Legal Remembrancer.



RECEIVED

GOVERNMENT OF TRIPURA  
LAW DEPARTMENT.

No.F.3(1)-J/LAW/71

Dated, Agartala, the 12th May, 2000.

NOTIFICATION

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974), the State Government hereby makes the following rules to further amend the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 namely:-

Short title and commencement. 1. (1) These rules may be called the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) (Second Amendment) Rules, 2000.

(2) They shall come into force on and from the date of their publication in the official gazette.

Amendment of rule- 2. 2. In clause (b) of sub-rule (3) of rule 2 of the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 (hereinafter referred to as the principal Rules) for the words, figures and marks "Rs. 6/-" and "Rs. 10/-", the words, figures and marks "Rs. 20/-" and "Rs. 25/-" shall respectively be substituted.

Amendment of rule- 4. 3. In proviso to sub-rule (1) of rule 4 of the principal Rules for the words "twenty five" and "one hundred twenty", the words "thirty five" and "two hundred" shall respectively be substituted.

By order of the Governor  
( B.B. Senapati )  
Secretary, Law  
Government of Tripura.

Advance copy forwarded for information & necessary action to:-

1. The Accountant General (A&E), Tripura, Agartala.
2. All Departments/Heads of Departments/Offices.
3. The Manager, Government Press, Agartala with request kindly to publish the above notification in the extraordinary issue of the Tripura Gazette for general information and to send 150 copies of the notification to the Law Department after publication.

( B.B. Senapati )  
Secretary, Law,  
Government of Tripura.

Basu cod - 00289



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No.F.1(14)-LAW / ESTT-I /2002  
Government of Tripura  
Law Department

Dated, Agartala , the 18 April,2006 .

**MEMORANDUM FOR THE COUNCIL OF MINISTERS**

**Subject :-** Third Amendment of the Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 .

Amendment of the Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 is necessary for enhancement of the diet money, Travelling expenses and other allowances of the witnesses and complainants appearing in court cases in order to compensate their professional loss and reimburse their travelling expenses appropriately .

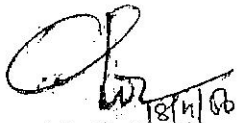
2. The Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 has classified the witnesses and complainants into two categories namely, Class – I & Class- II . Labourers and ordinary cultivators and other persons of similar class belong to class I and persons of better position belong to class II .
3. At present the Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 (copy enclosed) in clause (b) of Sub Rule (3) of Rule – 2 provides that diet allowance of Rupees twenty per day shall be paid to the complaints and witnesses of class-I and diet allowance of Rupees twenty five per day shall be paid to complaints and witnesses of class-II. The proposed amendment seeks to substitute Rupees twenty five for Rupees twenty and Rupees thirty for Rupees twenty five in clause (b) of Sub Rule (3) of Rule 2 of the Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 .
4. The Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 in Sub Rule (1) of Rule 4 provides that the court may allow to a person in attendance as a witness or complainants reasonable

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Compensation according to the circumstances or the amount of loss proved to have been actually incurred in addition to diet money and travelling expenses permissible under the Rules. And in the proviso to Sub Rule (1) of Rule 4 it is provided that when the amount of such loss is proved to exceed Rupees thirty five a day or Rupees two hundred in all, the case has to be reported to the Government for order .

The proposed amendment seeks to substitute Rupees forty four for Rupees thirty five and Rupees two hundred fifty for Rupees two hundred in the proviso to Sub Rule (1) of Rule 4 of the Tripura Criminal Procedure (Payment of Expenses to Complainants and Witnesses) Rules, 1972 .

5. Finance Department has been consulted for amendment of the Rules . FD vide their U.O.No.1506 / Fin (G) 06 dated 9.3.06 has concurred to the proposed amendment of the Tripura Criminal Procedure (Payment of Expense4s to Complainants and Witnesses ) Rules, 1972 .
6. The Council of Ministers may kindly consider for according approval to the Tripura Criminal Procedure (Payment of Expenses to Complaints and Witnesses) (third amendment) Rules, 2006 (Flag- A) .
7. The Hon'ble Chief Minister has kindly consented for placing the matter before Council of Ministers .

  
( S. C. Das )  
Secretary, Law.

25 copies for GA (C & C) Deptt.

Flag - A

E

GOVERNMENT OF TRIPURA  
DEPARTMENT OF LAW

NO. F. 1(14)-LAW/ESTT-I/2002

Dated, Agartala, the March, 2006.

**NOTIFICATION**

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974), the State Govt. hereby makes the following rules to further amend the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 namely :-

Short  
Title &  
Commencement

1. (1) These rules may be called the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) (Third Amendment) Rules, 2006
- (2) They shall come into force on and from the date of their publication in the official gazette.

Amendment of  
Rule 2

2. In clause (b) of sub-rule (3) of rule 2 of the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 (hereinafter referred to as the principal Rules) for the words, figures and marks " Rs. 20/-" and "Rs. 25/-", the words, figures and marks "Rs. 25/-" and " Rs. 30/-" shall be substituted respectively.

Amendment of  
Rule 4

3. In proviso to sub-rule (1) of rule 4 of the principal rules for the words "thirty five" and "two hundred", the words "forty four" and "two hundred fifty" shall be substituted respectively.

By Order of the Governor,

( S. C. Das)  
Secretary, Law,  
Government of Tripura.

Tripura Gazette, Part-I, August 5, 2006 A. D.

No.F.13(1)(a)-HC/2006/4653 Shri Subir Ch. Saha, Civil Judge (Sr. Div) & Assistant Sessions Judge, Dharmanagar, North Tripura, who has been promoted and appointed in Grade-I of the Tripura Judicial Service on adhoc basis vide notification of the Government of Tripura in the Law Department No.F.1(6)-J (G)/98(Pt. I) dated 10.05.06 is transferred and posted as Additional District & Sessions Judge (Adhoc), Fast Track Court, Khowai, West Tripura District in the existing vacancy.

In exercise of the power conferred under sub-section (3) of Section 9 of the Code of Criminal Procedure, 1973, the High Court is pleased to appoint Shri Saha as Additional Sessions Judge, West Tripura Sessions Division with Headquarter at Khowai to exercise such powers within the local limit of the jurisdiction with effect from the date of his taking over charge as such.

S. PAL  
REGISTRAR.

Government of Tripura  
Law Department

Dated, Agartala, the 15th May, 2006

No.F.1(14)-Law/Estt.I/2002

### NOTIFICATION

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974), the State Govt. hereby makes the following rules to further amend the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 namely :-

- |                               |  |
|-------------------------------|--|
| Short Title<br>& Commencement | 1. (1) These rules may be called the Tripura Criminal Procedure (Payment of Expenses to Complaint and Witness) (Third Amendment) Rules, 2006.<br><br>(2) They shall come into force on and from the date of their publication in the official Gazette.   |
| Amendment of<br>Rule 2        | 2. In clause (b) of sub-rule (3) of rule 2 of the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972 (hereinafter referred to as the principal Rules) for the words, figures and marks "Rs. 20/-" and "Rs. 25/-", the words, Figures and marks "Rs. 30/-" shall be substituted. |
| Amendment of<br>Rule 4        | 3. In proviso to sub-rule (1) of rule 4 of the Principal rules for the words "thirty five" and "two hundred" the words "fifty" and "two hundred" shall be substituted respectively.  |

By order of the Governor,

S. C. Das  
Secretary,  
Government of Tripura.

MAY 15 2006



Government of Tripura  
Law Department  
Secretariat : : Agartala  
Website:- law.tripura.gov.in

No.F.1(2)-Law/Estt.-1/2015/5858-76

Dated, Agartala, the 19th September, 2016.

**NOTIFICATION**

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure 1973 (2 of 1974), the State Govt. hereby makes the following rules to further amend the Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) Rules, 1972, namely :-

- |                                       |     |   |
|---------------------------------------|-----|---|
| <b>Short Title &amp; Commencement</b> | 1.  | (1) These rules may be called the <u>'Tripura Criminal Procedure (Payment of Expenses to Complainant and Witness) (Fourth Amendment) Rules, 2016'</u> ;   |
|                                       | (2) | They shall come into force on and from the date of their publication in the Official Gazette.   |
| <b>Amendment of Rule-2</b>            | 2.  | In clause (b) of sub-rule (3) of rule 2 of the Tripura Criminal Procedure of Expenses to Complainant and Witness) Rules, 1972 (hereinafter referred to as the principal Rules) for the expression "Rs.30/-", the expression "Rs. 60/- (Rupees Sixty)" shall be substituted. |
| <b>Amendment of Rule-4</b>            | 3.  | In proviso to sub-rule (1) of rule 4 of the Principal rules for the expressions "fifty" and "two hundred fifty", the expressions "Rs.100/- (Rupees One Hundred)" and "Rs.350/- (Rupees Three Hundred & Fifty)" shall be substituted respectively.                           |

By order of the Governor,

**A.K.Nath**  
LR & Secretary, Law (I/C)  
Government of Tripura.