



TRAINING REPORT RECORDING EVIDENCE THROUGH COMMISSION HELD ON 21st JULY 2020



Continuous Legal Education is an important component to improve efficiency of justice sector stakeholders. The Sindh Judicial Academy under the leadership and kind guidance of **Mr. Justice Muhammad Ali Mazhar**, Acting Director General designed a number of training programs during 2020 however, could not continue because of COVID-19 situation in the country subsequently a decision was taken to conduct online training sessions for Judges, Prosecutors, Investigators and Members of the Bar.

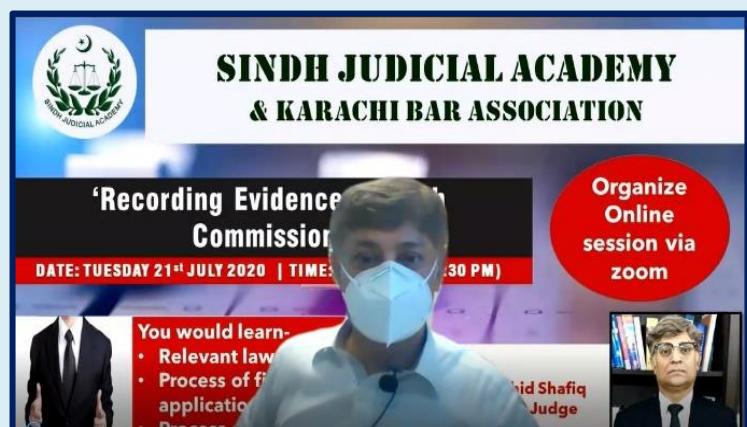


Mr. Munir Ahmed Malik, President, Karachi Bar Association and **Mr. Waseem Saif Khoso**, Chairman, Legal Education Committee requested for conducting sessions for the members of the Bar and accordingly it was placed before Hon'ble Director General Mr.



Justice Muhammad Ali Mazhar who appreciated the efforts of the Bar in current pandemic situation and directed to arrange online sessions for the members of the Bar. Accordingly, first two sessions were conducted on 04-July-2020 and third session was arranged on 21-July-2020.

Mr. Muhammad Shahid Shafiq, District & Sessions Judge/Senior Faculty Member discussed in his third session the procedure of '*Recording of Evidence through Commission*' whereas in the second session detail discussion was about the 'Process of Examining a Witness'.

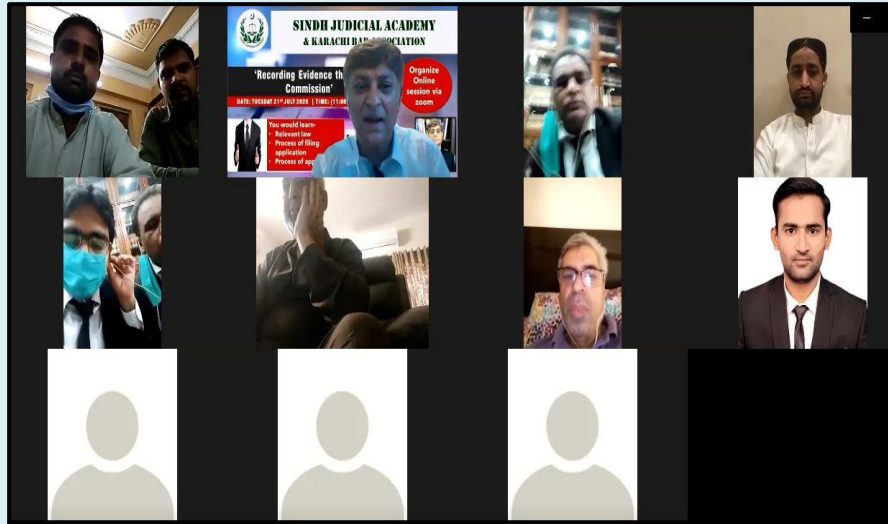


Proceeding of the session (Day 1: 21-July-2020)

- The session was about 'Recording of evidence through Commission'. In this session, relevant provisions of law i.e. Sections 75 & 76 and Order XXVI Rules 1, 2 & 3, of the Code of Civil Procedure, 1908 were discussed in detail.

- It was shared that if a witness, on account of his illness is unable to attend a Court of law, his evidence may be recorded by way of appointing Commissioner.
- It was informed that the Court either on the application of the advocate or on its own motion may order for recording evidence through Commission.

- An advocate is appointed as commissioner and on his appointment, he is paid fee.



- The trainees were also guided how an application,

supporting affidavit and counter affidavit are drafted.

- The objective of the session was to make them understand the procedure of filing application and subsequently role of Commission while acting as Commissioner for recording evidence.
- During the lecture, specimen of draft application, affidavit and counter affidavit were shared so that they may have some idea how these are prepared.

Overall, 30 Advocates participated actively through 'ZOOM' facility. This session was also accessible on face book which was viewed by 600 persons

- Next online Training sessions for the advocates/Members of KBA are planned as under:
- 22 July 2020: (**Examination-in-Chief for Member of KBA**)
- 23 July 2020: (**Bail in Non-bailable Offences for Members of KBA**)