

Evidence Act, 2031

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Act no. 24 of year 2031

An Act made to amend and consolidate the Law of Evidence

Preamble: Whereas, it is expedient to amend and consolidate the Nepalese law of Evidence;

Now, therefore, be it enacted by His Majesty the king Birendra Bir Bikram Shahdev on the aid and advise and consent of the Rastriya Panchayat.

CHAPTER-1

PRELIMINARY

1. **Short Title, Extent and Commencement:** (1) This Act may be called the "Evidence Act, 2031".
 - (2) This Act shall apply to all proceedings of a case before the Court.
 - (3) This Act shall come into force on the first day of *Baisakh*, 2032.
2. **Definitions:** In this Act, unless the subject or context otherwise requires;
 - (a) "Court" also includes any other Authority who hears a case.
 - (b) "Already Expressed" or "Expressed" means already expressed or expressed in an oral or written form or through a sign.
 - (c) "Public Document" means-
 - (1) A document maintaining official records of the acts performed by the Government of Nepal.
 - (2) A book, paper or any other document laying as a record in the office of the Government of Nepal or Constitutional Body or

Authority or Court or public organization incorporated under the law.

CHAPTER-2

FACTS IN WHICH EVIDENCE MAY BE EXAMINED AND FACTS NOT REQUIRED TO EXAMINE THE EVIDENCE

3. **Facts in which evidence may be examined**: The court may examine evidence on the fact in issue which is to be decided by it and the relevant fact thereof.

Explanation:- "Relevant fact" means a fact which helps to prove or disprove the fact in issue of the case to be decided.

4. **Facts not required to examine the evidence**: It shall not be necessary to examine evidence on the following facts-

- (a) If the fact expressed by a party to the case is admitted by the other party in the written form,

Provided that, the court, if thinks appropriate may examine evidence on such fact.

- (b) Facts to be taken as judicial notice by the court pursuant to Section 5

(2) It shall not be necessary to the court to examine any evidence to presume any fact pursuant to Section 6 and 7.

Provided that, the court may examine evidence, as required, before making presumption on the facts as mentioned in Section 7.

- (5) **Facts to be taken into judicial notice by the court**: (1) The court shall take judicial notice of the following facts-[∇]

(a)

(1)

(2)

[∇] (a), (b) and (c) of sub-section (1) section 5 deal with the king or other relative matters.

(3)

(4)

(5)

(6)

(7)

(8)

(b)

(c)

(d) Geographical position of Nepal

(e) Constitution of Nepal and Nepal law

(f) Notice published in Nepal Gazette

(2) The court may take judicial notice of the undisputed facts of general knowledge.

Provided that, if, pursuant to this Sub-section, a party to the case requests to take judicial notice of any fact, the court may issue an order to that party to submit required evidence regarding that fact and the court may deny to take the judicial notice of that fact unless evidence is produced to the satisfaction of the court.

(3)The court may take the help of any book or document to take judicial notice pursuant to this Section.

(6) **The court shall presume the facts:** Unless otherwise proved-

(a) The property, in the name of any co-partner of a joint family, shall be presumed by the court that such property is a joint property.

(b) The property, in the possession or use of two or more persons, shall be presumed by the court that all of them have equal right on that property.

(c) The Court shall presume that the matters recorded in the accounts (*sayha*), Papers (*shresta*) or documents (*kagajat*) to be recorded in

pursuance of law by any court or government office are correctly recorded.

- (d) The baby, born during the continuance of marriage of the husband and wife or within two hundred and seventy two days of the dissolution of the marriage or the death of the husband, shall be presumed by the court that the baby is the child of the same husband.
- (e) Any document, so indicated that it is published, prepared or attested (certified) by any court or government office or official or by a person so authorized by the Nepal law shall be presumed by the court that it has been published or prepared or attested (certified) by such court, office, official or person.
- (f) Any law or judicial decision printed in a book or journal and where it has been indicated that it is published by the government of a foreign country or by the official so authorized by such government, the court shall presume that such law or decision has been published correctly.

7. The court may presume: Unless otherwise provides:-

- (a) If a person is holding a stolen property with him / her, the court may presume that the property is either stolen by him/her or purchased knowingly that it is a stolen property.

Provided that, if such person shows any reasonable ground to remain that property in his / her possession or it seems reasonable to remain such property in his/her possession by virtue of his/her profession or trade and it is laying with him/her without knowing that it is a stolen property, the court may not presume on that way.

- (b) If the court issues an order to a person to submit a document which he / she holds and he/she does not submit accordingly, the court may presume that the document may have evidential value against such person.

- (c) If any incident, conduct of the persons or general trend of the acts-transactions reasonably leads towards certain presumption, the court may presume other facts accordingly.

CHAPTER-3

FACTS TO BE TAKEN OR NOT TO BE TAKEN AS EVIDENCE

- 8. **Facts to be taken as evidence:** The facts to be taken as evidence under this Chapter and other facts *stated* by the witness before the court may be taken as evidence in the course of *examining* evidence pursuant to Section 3.
- 9. **Facts expressed by the party:** (1) Any fact expressed by the party to a case may be taken as evidence against him/her.
 - (2) Notwithstanding anything contained in Sub- section (1),
 - (a) The fact expressed by the accused of a criminal case, in a place other than the court regarding the charge made against him/her, may be taken as evidence, when the court finds it as following-
 - (1) At the time of expression, the accused was conscious and in a position to understand what he/she did or expressed.
 - (2) The fact was not expressed putting pressure on him/her or with torture to him/her or with a threat to torture to him/her or any other person or putting him/her in a condition to express the fact against his / her will.
 - (3) The public official, while conducting a process had not given any threat or promise in relation to any charge, by which there was a possibility of expressing any untrue fact and he /she had reasonably believed that such official had a power and authority to implement the threat or the promise.
 - (b) Any fact, mentioned in from Clause (a) to (d) of Section 12 and any other fact which may be taken as evidence under any of the Sections

of this Chapter, may be taken as an evidence even in his/her favour although it was expressed by him/herself, if he/she so desires.

- (c) A fact accepted by a person for the purpose of reaching to a compromise, by giving up any claim as a whole or in part or agreeing to pay any amount or to provide any service to any other person, may not be taken as an evidence against that person.

(3) For the purpose of this Section, the following facts expressed by the following persons shall be considered to have been expressed by the party him/herself:-

- (a) The fact expressed by the attorney (*waris*) of the party or by the representative of the party to a case, in the capacity of an attorney or a representative, pursuant to prevailing law,
- (b) Any fact expressed by a person so authorized to act upon on behalf of the party till such authority remains valid and up to the scope of the authority,
- (c) Any fact expressed by a person on such matter he/she deserves ownership or economic interest till such ownership or interest is valid and before the party to the case gets any right in the subject matter of the case,
- (d) Any fact expressed by a person regarding the subject matter of the case on which there was a joint ownership or economic interest between such person and party to the case.

10. Immediately expressed fact: (1) If any of the following persons express any fact immediately or immediate before or after, regarding any act, incident or condition/situation such fact may be taken as evidence:

- (a) The person who had done that act or who had directly seen or known the act, incident or condition/situation,
- (b) The victim of the act, incident or condition/situation.

(2) If any person expresses any fact clearly knowing his/her physical or mental condition till the continuation to such condition the fact so expressed may be taken as evidence.

11. **Facts expressed by a person when in the normal condition who is now dead:**

The fact expressed by a person, who is dead but who expressed it in the dying stage when he/she was in a normal condition regarding to the cause of his or her death, may be taken as evidence.

12. **Special Facts Expressed by the Persons in Special Situation, Condition, or Position:**

The following facts expressed by the person who is dead, whose whereabouts could not be located or who is incompetent to be a witness or who has privilege not to be a witness pursuant to this Act or for whom the party to the case has proved that he/she cannot appear before the Court due to the conspiracy of the opposing party or who is in such a position that the Court cannot issue a summon or a person as to whom the Court finds it inappropriate to call him/her due to the process being expensive or time consuming,

- (a) Any fact expressed against the right, interest or benefit of the person him/herself.
- (b) The fact expressed in a written form which could lead towards legal action or criminal charge (acquisition) against him/her.
- (c) Any fact expressed in a written form, before filing of the case, regarding any public interest or custom specially known to him/her.
- (d) Any fact expressed in a written form, before filing the case, regarding any relationship specially known to him/her.

13. **Facts mentioned in the public document:**

(1) Facts mentioned in any public document, by the public officer in the course discharging of a public duty required for his/her position and by any other person in performance of a duty prescribed by the law, may be taken as evidence.

(2) Facts mentioned in the documents, relating to any Maps, Charts or Data (facts and figures) generally offered for public sale, which are published by the

government of Nepal or by a person or public institution authorized by the Government of Nepal, may be taken as evidence.

14. **Facts mentioned in the Books of Account, Private Entries (*Bahi*) Books or other Records (*Shresta*) in a regular basis:** Any fact regularly posted or mentioned in the books of Account, Private Entries (*Bahi*) Books or other Records (*Shresta*) in the course of any act, process or profession or any letter written, receipt, series of letters (*Chalani*) or any other particulars may be taken as evidence.
15. **Facts written in the Book or Article:** (1) Statement of facts on the law and decision contained in the Books published by the Government of Foreign State or by a person or an organization authorized by such government regarding the law or the decision of the court of that State, may be taken as evidence.
(2) Facts mentioned in the published Book or Article written by a person renowned as a Scholar in that field (Subject) may be taken as evidence.
16. **Special types of Data, Index etc.:** Facts mentioned in the data (facts and figure), detail out index, particulars or articles, regularly published for the consumption of the specific professions may be taken as evidence.
17. **Facts stated by the witness in other cases:** The facts stated by the witness in a case before the court may be taken as evidence in any other case in the following conditions,-
 - (a) In case, the witness has been dead or has become incompetent to be a witness pursuant to this Act, or
 - (b) In case, the witness has privilege not to provide evidence on that matter (fact) pursuant to this Act, or
 - (c) In case, the party to a case proves that the witness can not be produced before the court due to any conspiracy of the opposite party, or
 - (d) In case a Notice can not be issued against him/her, or

- (e) In case, it becomes inappropriate in the opinion of the court to produce him/her due to it being time consuming or expensive.

18. **Document prepared in the course of inquiry or examination:** The fact expressed by a person in the document prepared in the course of inquiry or examination of any act, incident or situation/ condition pursuant to the prevailing law, may be taken as evidence, in case he/she appears before the court and records his/her statement as an witness.

△ Provided that,

- (a) In case, there is no issue between the parties to the case on the facts mentioned by the expert in the Post-mortem Report or the fact so mentioned is not inconsistent with the evidence if any, such fact may be taken, as evidence even if the expert does not appear before the court.
- (b) An opinion expressed by a person, in the deed of and deed of spot investigation *sarjameen* done by the Investigating Officer in the course of investigation, may taken as evidence for the purpose of remand even such person does not appear before the court as witness.

19. **Note (Nissa) or Certificate:** A Note or Certificate, issued by a person having the duty of issuing such Note or Certificate, may be taken as evidence

20. **Report:** Any observation (*Tippani*) or Report, written or prepared in the course of discharging of duty, by a person who has a legal duty to prepare the observation (*Tippani*) or Report and submit it to a specific place or an office regarding any act, incident or situation/condition pursuant to the prevailing Nepal Law, may be taken as evidence.

Provided that, the observation (*Tippani*) or Report should have been duly registered in the specific place or office.

△ Amended by the first Amendment.

21. **Other documents with evidential value**: In addition to the document mentioned from Section 9 to Section 20, any other document may be taken as evidence to prove that such document exists.
22. **Material (Dashi) Evidence**: Any material or object related to the case and identified by the witness before the court may be taken as evidence.
23. **Personal Opinion**: (1) If the court has to reach to a conclusion of any opinion, regarding law of a foreign country, science, art, signature or finger impression, opinion of the expert may be taken as evidence.

Explanation: For the purpose of this Section, the term "expert" means a person who has acquired special knowledge through special study or training or experience in any field (subject).

(2) If the court has to reach to a conclusion of the signature of a person, the opinion of a person who was in a position to see the signature of such person frequently and to identify it, may be taken as evidence.

(3) If the court has to reach to a conclusion of the fact regarding any religious, ethnic or public interest or custom, the opinion of a person who is in a position to have special knowledge regarding the interest or custom may be taken as evidence.

(4) If the court has to reach to a conclusion of any fact, regarding whether there is any bond or relation of a person with another person or not, the opinion of a person who has special information regarding the bond or relation, may be taken as evidence.

(5) If the court has to reach to a conclusion about the meaning of the specific word or words (phrase) which is in use in some specific places, opinion of the person who is in a position to have special knowledge of the same, may be taken as evidence.

(6) In case, opinion of a person is taken as evidence pursuant to this Section, the facts which support or refute the opinion or the grounds of the opinion may also be taken as evidence.

(7) Any opinion expressed by a person may be taken as evidence only if he/she appears before the court in person as a witness.

Provided that, to take any opinion or the ground of such opinion expressed in a book or article, of the expert, as an evidence it shall not be necessary to be produced by the writer of the book or article before the court in person.

24. **Facts not be taken as evidence:** (1) Whether the character of the parties to the case is good or bad, shall not be taken as evidence.

Provided that, if the court has to decide on the character of a party to the case, fact relating to the character may be taken as evidence.

(2) In case, where a person is not permitted to express any fact pursuant to Section 41, 43 and 45 and even if that person expresses that fact, such fact may not be taken as evidence.

(3) If the court issues order to produce a document to a party to the case and that party does not submit the same accordingly that evidence shall not be permitted to produce in that case without the permission of the other party or the court.

(4) In addition to the facts specifically mentioned in this Section, any other facts which can not be taken as evidence pursuant to this Act or other prevailing Nepal laws, may not be taken as evidence.

CHAPTER-4

BURDEN OF PROOF

25. **Burden of proof of proving an offence:** The burden of proof of proving that the accused has committed the offence in a criminal case shall lie on the plaintiff.
26. **Burden of proof of proving the claim:** The burden of proof of proving the claim in a civil case shall lie on the plaintiff.
27. **Burden of proof on the Defendant:** (1) If the defendant makes a counter claim (*Jikir*) regarding remission from the penalty or acquittal from the charge (penalty)

pursuant to prevailing Nepal law, the burden of proof of proving such fact shall lie on the defendant him/herself.

(2) If some thing has to be paid or returned back to the plaintiff pursuant to the prevailing Nepal law, the burden of proving the fact that it has been already paid or returned back shall lie on the defendant.

28. **Burden of proof as to particular fact**: The burden of proof as to any particular fact lies on that person who wishes to the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.
29. **Burden of proof to refute the presumption of the court**: If a party to a case wishes to refute the presumption made by the court as to any fact pursuant to this Act, the burden of proving such fact shall lie on such party.
30. **Burden of proving fact specially within knowledge**: When any fact is specially within the knowledge of any party, the burden of proving that fact shall lie on that party.
31. **Burden of proving one fact to prove the another fact**: If it is necessary to prove any other fact earlier to take a fact as an evidence, to prove such other fact shall lie on that party who wants to produce the first fact as an evidence.
32. **Burden of proving that a person is Alive**: Provided that, when the question is whether a person is alive or dead, it is proved that such person has not been heard of for a period of twelve years by those who would naturally have heard of him/her if he/she had been alive, the burden of proving that he/she is alive is shifted to the person who affirms it.
33. **Burden of proof as to ownership or possession of the property**: When the question is whether any person is owner of any property of which he/she is shown to be in custody, possession or use, the burden of proving that he/she is not the owner lies on that party who affirms that he/she is not the owner.

CHAPTER-5

ESTOPPEL

34. **Estoppel**: (1) When a person has, by writing, oral or conduct, acted or caused to act another person to believe a thing to be true and to act upon such belief, such person shall not be allowed, in any case, between him/herself and such person to deny the truth of that thing.

Provided that, this Section shall not be applicable in the point of law.

- (2) Anything mentioned in Sub-section (1) shall also be applicable to such person who receives/gets any kind of right from the persons mentioned in that Sub-section in relation to the subject matter of the case.

CHAPTER-6

DOCUMENTARY EVIDENCE

35. **Documentary Evidence**: (1) A document or fact mentioned in the document has to be proved by producing such document.

(2) Notwithstanding contained in Sub-section (1), any document or any fact mentioned in the document may be proved with the help of the picture, photocopy or duplicate copy which has been duly received pursuant to the law or oral evidence in the following circumstances:

- (a) When it has been proved that the document is in the custody of that person against whom that document has to be produced, or
- (b) When the document is in the custody of such person against whom the court cannot issue Summon/Notice or such person did not produce the document even after the service of the Summon/Notice, or
- (c) When it has been proved that the document has been lost or destroyed, or
- (d) When it is not easily possible to lift the document and produce it before the court, or

- (e) When that document does not lie with the intending party to produce such document by virtue of the nature of the document itself.

Provided that, in the case of the document mentioned in this Clause, it shall be necessary to produce the certified copy in case it is possible to get such copy pursuant to the law.

(3) Notwithstanding anything contained in any Sub-section of this Section, the decision made or order issued by *His Majesty the King* or the Government of Nepal may be proved upon producing a document certified by the concerned officer pursuant to the prevailing Nepal Law.

36. **Conclusion of Signature or the Thumb impression:** (1) When there arises a question, whether a document was written or signed or not by a person, the court may cause such person to write or sign in a separate piece of paper and shall compare that signature or thumb impression with any other signature or finger impression and may reach to the conclusion accordingly.

(2) When it is not possible to reach to a conclusion comparing the signature or finger impression pursuant to Sub-section (1), the Court may conclude it with the help of other evidence.

(3) Nothing contained in this Section shall bar to the Court to take the opinion of a signature or finger impression expert as the evidence.

CHAPTER-7

ORAL EVIDENCE

37. **Oral Evidence:** (1) Except in the condition where it is compulsory to produce the document to prove any fact pursuant to this Act, in other conditions a fact may be proved by the oral evidence.

(2) The oral evidence has to be direct in nature, to mean if the evidence has to be produced on the fact which could have been seen, heard or felt with the help of any sense that evidence has to be produced by the person who has directly seen, heard or felt, as an oral evidence.

Explanation: The oral evidence given by a person as a witness before the court who hears or knows the fact in the mean time when it was expressed and which is admissible as an evidence pursuant to Section 10, 11 or 12, shall also be considered as direct evidence.

CHAPTER-8

EXAMINATION OF WITNESS

38. **Person Competent to be a witness:** All persons [□]including the accomplice may be competent to be a witness unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, physical or mental diseases or any other cause of the same kind.
39. **Dumb Witness:** A witness who is unable to speak may give his/her evidence in any other manner in which he/she can make it intelligible, as by writing or by signs.
40. **Parents etc. of the party shall not be compelled to be a witness:** Notwithstanding anything contained in other Sections of this Act or any other prevailing law, the parents, son, daughter, husband or wife of the party to the case shall not be compelled to be a witness against such party.
41. **Communication during marriage shall not be compelled to disclose:** No person who is or has been married shall be compelled to disclose any communication made between them during their marriage and they shall be permitted to disclose any such communication, unless the person who made it consents, except in a case between the husband and wife or in a case in which one married person is prosecuted by the government as a plaintiff for any crime committed against the other spouse.

□ Inserted by First Amendment.

42. **A judge shall not be compelled to disclose any act done in that capacity:** No judge shall, except otherwise order has been made by the Superior Court, be compelled to answer any question which came to his/her knowledge or regarding any act he/she performed in the court as such judge.

Provided that, he/she may be examined as a witness as to the matters which occurred in his/her presence whilst he/she was so acting or any other fact.

43. **Not to disclose the fact mentioned in the unpublished government document laying in the Government Office:** Except otherwise provided by the Head of the Department no one shall disclose or submit any unpublished confidential document which is related to the government activities and laying in the Government Office.

44. **Public Official shall not be compelled to disclose any information received in that capacity:** No Public Official shall be compelled to disclose any information which he/she received in the official confidence when he/she considers that such disclosure would suffer the public interest.

- 44A. **Police personnel shall not be compelled to disclose the source of information of the occurrence of a crime:** No police personnel shall be compelled to disclose any information of the source which he/she received by any means regarding the occurrence of a crime.

45. **A law Practitioner not to disclose any information given by his/her client:** (1) No law practitioner, shall at any time be permitted, unless with the written consent of his/her client's authority to disclose any communication made to him/her in the course of or for the purpose of his/her employments as a law practitioner, by or on behalf of his/her client or to state the contents or conditions of any document with which he/she has become acquainted in the course and for the purpose of his/her professional employment or to disclose any advice given by him/her to his/her client.

□ Inserted by First Amendment.

Provided that,

- (a) Any communication which has been provided to the law practitioner in furtherance of any legal purpose may be disclosed by him/her.
- (b) Any fact observed by the law practitioner in the course of his/her employment as such, showing that any crime has been committed since the commencement of his/her employment.

(2) The restriction put on to the law practitioner pursuant to Sub-section (1) shall also be maintained even after his/her employment is ceased by the client and such restriction shall also be applicable to the clerk, servant and interpreter of the law practitioner.

(3) In case any party to a case causes to his/her law practitioner to become a witness regarding any information pursuant to Sub-section (1), for the purpose of this Sub-section, it shall be considered that the party concerned has permitted to disclose such fact or information.

46. **A person shall not be compelled to disclose any communication between him/herself and his/her professional legal advisor:** A person shall not be compelled to disclose any fact or communication exchanged between him/her and his/her professional legal advisor.

Provided that, when such person wishes to disclose such communication on his/her own before the court, he/she has to disclose any other related fact which the court finds necessary to clarify the fact involved into the communication.

47. **Witness shall have to answer:** A witness shall not be excused from answering any question upon the ground that the answer to such question may criminate him/her.

Provided that, no such answer, which a witness shall be compelled to give, shall subject to him/her to any arrest or prosecution and shall not be taken as an evidence in any other criminal case.

48. **Production and Examination of witness:** Subject to the provisions of the prevailing laws, witnesses shall be produced and examined in the order so prescribed by the court.
49. **Procedure relating to the Examination of the witness:** (1) A witness shall be caused to swear/take oath to speak the truth before providing statement of facts regarding what he/she has seen, known or heard.
- (2) Witness shall be examined in the presence of all the parties to the case.
- Provided that, a witness may be examined in the presence of the parties who are present on the date and time appointed by the court for the examination of the witness.
- (3) A witness shall be examined in such a manner that the examination of one witness shall not be heard by another witness.
- (4) In case it becomes essential to further examine any witness, on the basis of any reasonable ground, a *Tatimba* (further examination) of a witness may be done only to the facts which were not clearly specified in the previous examination.
- (5) Parties to the case shall have to put signature on the top of the document of statement of the witness. In case any party denies to put his/her signature, the judge shall note the same and put his/her signature.
50. **Examination-in-chief and cross-examination:** (1) In the course of examination of the witness, the party who calls the witness may conduct the examination-in-chief to his/her witness. Thereafter, the adverse party to the case, if so desires, may conduct the cross-examination.
- (2) After the completion of the cross-examination by the adverse party pursuant to Sub-section (1), the party who calls the witness may conduct the re-examination of such witness.
- Provided that, the re-examination shall be directed to the explanation of the facts referred to in the cross-examination.

(3) Notwithstanding anything contained in the proviso of Sub-section (2), a party to the case may ask question regarding any new fact with his/her witness if it is so permitted by the court.

Provided that, the adverse party may cross examine such witness again, if any question on new facts is asked in the course of re-examination.

(4) In the course of conducting examination-in-chief or re-examination, the party to the case shall not ask any leading question, which suggest the intended answer if so objected by the adverse party.

Provided that, such question may be asked with the permission of the court.

(5) While providing permission by the court to ask any leading question with his/her witness to a party to the case pursuant to the proviso of Sub-section (4), the court shall permit leading questions as to matters which are introductory in nature or undisputed or which have, on its opinion, already been proved sufficiently.

(6) Notwithstanding contained in forgoing Sections, a party to a case may not conduct examination-in-chief by him/herself rather may request to the court for examination-in-chief and if so requested by the party, the court shall conduct the examination-in-chief; and the adverse may conduct cross-examination, if so intends, thereafter.

Provided that,

(a) In case any witness has been examined by the court under this Sub-section, the party calling such witness shall not be permitted to conduct examination-in-chief or re-examination.

(b) A party to the case shall not be permitted to ask some of the witness by him/herself pursuant to Clause (a) and to apply before the court to ask question to some of other witness from the court pursuant to this Clause.

51. **Court to forbid to ask unreasonable question with the witness:** The court shall forbid to ask any question which could unnecessarily insult or annoy the witness.

52. **Examination-in-chief and cross examination of the expert:** When it is necessary to reach to the conclusion regarding any fact relating to signature, finger impression, law of a foreign country, science, custom-tradition, art or any other similar subject, the court may cause to appear, the person who deserves special expertise, experience or training and examine him/her as a witness. In case an expert witness is so examined by the court, it has to provide opportunity to the parties to the case for cross examination of such witness pursuant to this Act.
53. **Court may ask necessary question with the witness:** The court may ask any question, which deems it necessary, to the witness.

CHAPTER-9

MISCILLINIOUS

54. **Consequence of improper admission or rejection of evidence:** The improper admission or rejection of evidence pursuant to this Act shall not be ground of itself from the reversal of any verdict (decision) or order of the court.
- Provided that, if the improper admission or rejection of evidence causes any effect in the decision such verdict (decision) or order shall be reversed.
55. **Saving:** This Act shall not bar to pursue the proceedings and conclude a case using the evidence which has been already examined pursuant to the law in force before the commencement of this Act.
56. **Repeal:** Number 148, 149, 151, 153, 164, 165, 166, 167, 168, 177, and 178 of the Chapter on Court Procedure Part-2 of the General Code (*Muluki Ain*) is, hereby, repealed.