

Mr. Mills.

CRIMINAL CODE ACT 1893 AMENDMENT (No. 1).

ANALYSIS.

Title.
1. Short Title.

2. Leave to apply to Court of Appeal for new trial.

A BILL INTITULED

AN ACT to further amend "The Criminal Code Act, 1893."

Title.

BE IT ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Criminal Code Act 1893 Amendment Act, 1897 (No. 1)."

Short Title.

2. *Section four hundred and sixteen of "The Criminal Code Act, 1893," is hereby repealed, and the following enacted in lieu thereof:—*

Leave to apply to Court of Appeal for new trial.

2. (1.) After the conviction of any person for any crime the Court before which the trial takes place may, either during the sittings or at any time within six months after the close thereof, give leave to the person convicted to apply to the Court of Appeal for a new trial on any of the following grounds, that is to say:—

(a.) *That the verdict was against the weight of evidence;*

(a.) (b.) *That the verdict ~~has been~~ was obtained by any unfair or improper practice to the prejudice of the person applying;*

(b.) (c.) *That material evidence has been discovered since the trial which, with the evidence given at the trial, might in the opinion of the Court of Appeal have ~~obliged~~ led the jury to come to a different verdict;*

(e.) (d.) *That material evidence has become admissible since the trial, which was not admissible at the trial;*

Struck out.

(d.) *That any juror has been guilty of misconduct, if such misconduct can be proved by extrinsic evidence: Provided that the verdict shall not be impugned on the evidence of any of the jurors;*

(e.) *That any witness has been guilty of such misconduct as to affect the result of the trial.*

25 *The Court of Appeal may, upon hearing such motion, direct a new trial if it thinks fit.*

(2.) *In the case of a trial before a District Court, such leave may be given during or at the end of the sitting by the Judge who presided at the trial.*