

CHAPTER XXVIII.

SUDDER COURT AS A COURT OF REFERENCE.

398.* A case referred to a Sudder Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such Sudder Court.

Constitution of Court for hearing case referred for confirmation of sentence.

399. In any case so referred, the Sudder Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge. If the case shall have

Power of Sudder Court to confirm; reverse, &c., sentence.

* See Act XV, 1862, sec. 2, with regard to extensions of this Act to any Non-Regulation Provinces.

been tried by the Court of Session with the aid of Assessors, it shall further be competent to the Sudder Court to acquit the accused person and order his discharge.

Competence of Sudder Court to direct further enquiry, &c.

400. If the case so referred shall have been tried by the Court of Session with the aid of Assessors, it shall be competent to the Sudder Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, to direct such enquiry to be made, or such additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Sudder Court, and the Sudder Court shall thereupon proceed to pass judgment of acquittal or such sentence as to the Court shall seem right.

Confirmation or new sentence must be signed by two Judges.

401.* In every case so referred to the Sudder Court, the confirmation of the sentence or any new sentence or order passed by the Sudder Court shall be signed by at least two Judges of the Court.