

60. False evidence—

Any person subject to this Act who, having been duly sworn or affirmed before any court-martial or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

NOTES

1. (a) *An offence under this section should not be dealt with summarily under [AA.ss.80, 83](#) or [84](#).*
2. (a) *The offence specified in this section is in many respects similar to the offence of giving false evidence under [IPC.s.191](#).*
(b) *The courts referred to in this section are. —*
 - (i) *Court-martial,*
 - (ii) *A court of inquiry on illegal absence under [AA.s.106](#),*
 - (iii) *A court of Inquiry on recovered prisoners of war: [AA.s.191\(2\)\(d\)](#) and [AR.181](#)*
 - (iv) *Any other court of inquiry when the officer assembling the court has directed that the evidence be recorded on oath or affirmation: [AA.s.191\(2\)\(d\)](#) and [AR 181](#).*
(c) *Statement at a summary of evidence cannot be given on oath. If, therefore, false evidence is given at a summary of evidence the charge should be framed under [AA.s.63](#).*
3. *The proceedings of the court-martial or court of inquiry before which false evidence is alleged to have been given are not admissible as evidence that the accused gave the evidence as charged. The officer who recorded the proceedings, or some other person, who heard the evidence given, must prove by oral evidence this fact and that the accused was duly sworn/affirmed. He may however, use the record to refresh his memory, ([IEA.ss.159](#) and [160](#)). The proceedings of the court are, however, admissible to prove that the occasion on which the alleged false statement was made was a properly constituted court martial or court of inquiry.*
4. *A charge under this section cannot be preferred when the false evidence is given at a naval or airforce court-martial though in such cases a charge under [AA.s.63](#) or [69](#) could be preferred.*