

သက်သေခံအက်ဥပဒေကိုပြင်ဆင်သည့် ဥပဒေ

(၂၀၁၅ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော်ဥပဒေအမှတ် ၇၃။)

၁၃၇၇ ခုနှစ်၊ နတ်တော်လဆန်း ၁၃ ရက်

(၂၀၁၅ ခုနှစ်၊ ဒီဇင်ဘာလ ၂၄ ရက်)

ပြည်ထောင်စုလွှတ်တော်သည် ဤဥပဒေကိုပြဋ္ဌာန်းလိုက်သည်။

၁။ ဤဥပဒေကို သက်သေခံအက်ဥပဒေကိုပြင်ဆင်သည့် ဥပဒေ ဟုခေါ်တွင်စေရမည်။

၂။ သက်သေခံအက်ဥပဒေပုဒ်မ ၃ တွင် -

(က) “Document” ဆိုသည့်စကားရပ် အဓိပ္ပာယ်ဖွင့်ဆိုချက်၏နောက်တွင် “In this expression, electronic record and information are included” ဆိုသည့် စကားရပ်ကို ဖြည့်စွက်ရမည်။

(ခ) “Document” ဆိုသည့်စကားရပ်၏ ဥပမာကို အောက်ပါအတိုင်း အစားထိုးရမည် -

“Illustrations

- (1) any map, plan, graph or drawing;
- (2) any photograph;
- (3) any label, marking or other writing which identifies or describes anything of which it forms a part, or to which it is attached by any means whatsoever;
- (4) any disc, tape, sound-track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- (5) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- (6) any paper or other material on which there are marks, impressions, figures, letters, symbols or perforations having a meaning for persons qualified to interpret them; and

(7) Any record generated, sent, received or stored by means of electronic, magnetic, optical or any other similar technologies in an information system or for transmission from one information system to another;”

(ဂ) သက်သေခံအက်ဥပဒေပုဒ်မ ၃ တွင်ပါရှိသော “Document” ဆိုသည့်စကားရပ် အဓိပ္ပာယ် ဖွင့်ဆိုချက်နှင့် ဥပမာတို့၏နောက်တွင် “စာတမ်းအမှတ်အသား မိတ္တူ”ဆိုသည့် စကားရပ် အဓိပ္ပာယ်ဖွင့်ဆိုချက်ကို အောက်ပါအတိုင်း ဖြည့်စွက်ရမည် -

“Copy of a document” includes-

- (1) in the case of a document falling within paragraph (4) of above illustration of the definition of “document,” a transcript of the sounds or other data embodied in it;
- (2) in the case of a document falling within paragraph (5) of above illustration of that definition, a reproduction or still reproduction of the image or images embodied in it, whether enlarged or not;
- (3) in the case of a document falling within paragraph (4) and (5) of that definition, such a transcript together with such a still reproduction; and
- (4) in the case of a document not falling within paragraph (5) of that definition of which a visual image is embodied in a document falling within that clause, a reproduction of that image, whether enlarged or not, and any reference to a copy of the material part of a document must be construed accordingly.”

၃။ သက်သေခံအက်ဥပဒေ ပုဒ်မ ၉ ဥပမာ(စ)၏နောက်တွင် (ဆ)အဖြစ် အောက်ပါအတိုင်း ဖြည့်စွက်ရမည်-

“(g) *A* seeks to adduce evidence against *B* in the form of an electronic record.

The method and manner in which the electronic record was (properly or improperly) generated, send, received or stored (by *A* or *B*), the reliability of the devices and the circumstances in which the devices were (properly or improperly) used or operated to generate, sent, receive or store the electronic record, may be relevant facts (if the contents are relevant) as

authenticating the electronic record and therefore as explaining or introducing the electronic record, or identifying it as the relevant electronic record to support a finding that the record is, or is not, what its proponent *A* claims.”

၄။ သက်သေခံအက်ဥပဒေပုဒ်မ ၆၀ ၏ နောက်တွင် ပုဒ်မ ၆၀-က အဖြစ် အောက်ပါအတိုင်း ဖြည့်စွက်ရမည်-

Evidence through live video or live television links

- “60 A. (1) Notwithstanding anything contained in this Act, a person may, the permission of the court, give evidence through a video conferencing or live television link in any proceedings, if -
- (a) the witness is below the age of 16 years;
 - (b) it is expressly agreed between the parties to the proceedings that evidence may be so given;
 - (c) the witness is outside the Republic of the Union of Myanmar; or
 - (d) the court is satisfied that it is expedient in the interests of justice to do so.
- (2) In considering whether to give permission for a witness outside the Republic of the Union of Myanmar to give evidence by live video or live television link under this section, the court shall have regard to all the circumstances of the case including the followings:
- (a) the reasons for the witness being unable to give evidence in the Republic of the Union of Myanmar.
 - (b) the administrative and technical facilities and arrangements made at the place where the witness is to give his evidence; and
 - (c) whether any party to the proceedings would be unfairly prejudiced.
- (3) The court may, in giving permission under sub-section (1), make an order on all or any of the following matters:
- (a) the persons who may be present at the place where the witness is giving evidence;

- (b) the person who may be excluded from the place while the witness is giving evidence;
 - (c) the persons in the court who must be able to be heard, or seen and heard, by the witness and by the persons with the witness;
 - (d) the person in the court who must not be able to be heard, or seen and heard, by the witness and by the persons with the witness;
 - (e) the person in the court who must be able to see and hear the witness and the persons with the witness;
 - (f) the stages in the proceedings during which a specified part of the order is to have effect;
 - (g) the method of operation of the live video or live television link system including compliance with the appropriate technical standards as may be determined by the Chief Justice of the Union; and
 - (h) any other order the court considers necessary in the interests of justice.
- (4) The court may revoke, suspend or vary any order made under this section if-
- (a) the live video or live television link system stops working and it would cause unreasonable delay to wait until a working

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