

REVIEW AFTER EXPIRATION OF RIGHT TO APPEAL.

Review
by Judge
Advocate
General.

197. Upon the expiration of the period mentioned in subsection two of section one hundred and eighty-eight within which an appeal may be made, the proceedings of every court martial shall be reviewed by the Judge Advocate General in respect of any matter mentioned in paragraph 5
(b) or (c) of section one hundred and eighty-six on which an appeal has not been made.

Procedure
where
illegality
exists.

198. Where, upon the review mentioned in section one hundred and ninety-seven, the Judge Advocate General certifies that any finding or punishment is illegal, he shall 10
refer the minutes of the proceedings of the court martial to the appropriate chief of staff for such action under this Act as that chief of staff may deem fit.

PETITION FOR NEW TRIAL.

Where
applicable.

199. (1) Every person who has been tried and found guilty by a court martial shall have a right to petition for a 15
new trial on grounds of new evidence discovered subsequent to his trial.

Time
limits.

(2) No petition under this section shall be entertained unless it is delivered to an officer designated for that purpose 20
in regulations

(a) within one year after the date of the pronouncement of the finding; or

(b) within one year after any punishment of incarceration, undergone by the petitioner in consequence of his trial; has been carried out, 25

Disposal.

whichever is the later.

(3) Every petition under this section shall be forwarded to the Judge Advocate General who shall refer the petition with his recommendation to the appropriate chief of staff who, if he is of the opinion that the petition should be 30
granted, shall order a new trial, in which case the petitioner shall be tried again as if no trial had been held.

New trial.

(4) When a new trial is held pursuant to subsection three and the petitioner is found guilty the sentence passed at the original trial shall be restored and shall have force and 35
effect as if the new trial had not been ordered.