

A. (cont'd) Secondly, M.F.B. 216, Certificate of Apprehension by or surrender to Service Authorities, relating to the accused.

M.F.B. 216, READ, MARKED EXHIBIT "I" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

Q.133 What is this document?

A. Sir, this is our Part II Order, A.29 C.I.C.T.C., No. 204 dated 23 Aug 43, on which is a list of personnel on draft No. 10, which proceeded on that date... listing the personnel that actually did proceed.

~~Q.133~~ PART II ORDER No. 204 READ, MARKED EXHIBIT "I" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

Q.134 Is the name, A.117617 Pte Kersey, on that draft?

A. No, Sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(b).

THE WITNESS WITHDRAWS.

THE PROSECUTION HAS NO FURTHER WITNESSES.

THE DEFENDING OFFICER SUBMITS THAT A PRIMA FACIE CASE HAS NOT BEEN ESTABLISHED BY THE PROSECUTION.

(See document marked "K")

THE PROSECUTOR ANSWERS

(See document marked "L")

THE DEFENDING OFFICER REPLIES

(See document marked "M")