

Educational (1900) Department.

ORDINARY MS.

G.O., No. 63

DATED 8. 2. 01

INDEXED.

[Despatch Abstract.]

Leony to the D.P.I. prop, just depts
on letter from the govt pleader
reporting that the High Court
considered that the order of the D.
Magistrate of South Cauara in the
Case of our Bantu regarding his detention
in the Reformatory School, was legal &
required no revision.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

CURRENT No. 154

Government {1901} of Madras. JUDICIAL.

sep. return
filed
18/8/01

See

order no. 63 d/8.2.01
communicated to the

Recd.

Enclosures

Regd.

6-2

1901.

Spare copies

nil

6

By
6/11

7.2.01

2nd ed. with 8/2

enclosures

G.O., No. 134, 28th January 1901.

JANUARY.

Juvenile Convict.

Communicating to the Director of Public Instruction letter from the Government Pleader, Madras, reporting that the High Court considered that the order of the District Magistrate of South Canara in the case of the juvenile referred to was legal and required no revision.

7/2

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., Mis. No. 1284, Judicial, dated 8th September 1900.

Read—the following paper:—

From Captain T. H. FOULKES, I.M.S., Acting Superintendent, Reformatory School, Chingleput, to the Director of Public Instruction, Madras, dated 9th July 1900, No. 1353.

I have the honour to submit, for such action as may seem proper to you, the accompanying proceedings of the Acting District Magistrate of South Canara, dated 15th June 1900, ordering the detention in this school for five years of pupil Bantu.

2. It is not clear that, when passing the above order, the District Magistrate had in view the rule for regulating the periods of detention in this school as prescribed in the notification of the Government of India, dated 30th June 1887, No. 1076.

3. If the above rule had been followed, the pupil in question should, in my opinion, have been sent to this school for not less than five years unless he shall sooner attain the age of eighteen years. This would practically mean a detention of seven years. As the boy is young, it would be decidedly to his advantage if he is detained in this school until he is eighteen years of age.

ENCLOSURE.

PROCEEDINGS of the Acting District Magistrate of South Canara, dated 15th June 1900.

Read letter, No. 58, dated the 14th instant, from the Second-class Assistant Magistrate, South Canara, forwarding the record of C.C. No. 19 of 1900 on the file of his Court and the accused Bantu concerned in the case for disposal under the provisions of the Reformatory Schools Act.

Read also the proceedings and the records.

Order.—The accused, Bantu, who has been convicted of theft punishable under section 379, Indian Penal Code, and has also a previous conviction against him of theft in a building punishable under section 380, Indian Penal Code, is sentenced to rigorous imprisonment for three months; but it is directed under section 8 of the Reformatory Schools Act, 1897, that, instead of undergoing the above sentence, he be sent to the Reformatory School and be there detained for 5 (five years). The Assistant Magistrate has found his age to be eleven years.

(Signed) D. D. MURDOCH,
Ag. District Magistrate of South Canara.

No. 8436.

Submitted to Government with a request that the High Court may be moved to revise the order of the District Magistrate of South Canara.

2. In a similar case the High Court directed that the juvenile concerned be detained in the Reformatory School until he attained the age of eighteen (*vide* G.O., No. 1529, Judicial, dated 23rd September 1899).

(Signed) G. H. STUART,
Director of Public Instruction.

23rd August 1900.

Endt. No. 251-Edl.

Transferred to the Judicial Department.

(Signed) A. T. PRINGLE,
Assistant Secretary to Government.

1st September 1900.

Order—Mis. No. 1284, Judicial, dated 8th September 1900.

The Government Pleader will be requested to move the High Court to revise the order of the District Magistrate referred to.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Director of Public Instruction
(through the Educational Department).
" Government Pleader, with enclosures in original.
" District Magistrate, South Canara.

READ—also the following paper:—

From E. B. POWELL, Esq., Government Pleader, Madras, to the Chief Secretary to Government, dated 9th January 1901, No. 24.

Adverting to the Proceedings of Government, dated 8th September 1900, No. 1284, Judicial, I have the honour to state that Criminal Revision Case No. 444 of 1900, presented to the High Court to revise the order of the District Magistrate of South Canara in C.C. No. 19 of 1900 on the file of the Assistant Second-class Magistrate of South Canara, came on for hearing on the 7th December and that the High Court considered that the order of the District Magistrate was legal and required no revision.

ENCLOSURE.

In the High Court of Judicature at Madras, Friday, the seventh day of December,

One thousand and nine hundred.

Present:

The Hon'ble Mr. Justice DAVIES

and

The Hon'ble Mr. Justice BENSON.

Criminal Revision Case No. 444 of 1900.
" Petition No. 258 of 1900.

The Public Prosecutor	..	..	..	..	..	..	Petitioner.
Bantu	..	..	..	..	..	..	Accused.

Petition under sections 435 and 439 of the Criminal Procedure Code, praying the High Court to revise the proceedings of the District Magistrate of South Canara, dated 15th June 1900, in C.C. No. 19 of 1900 on the file of the Assistant Second-class Magistrate of South Canara, C.C. No. 3 of 1900 on the file of the District Magistrate of South Canara.

This case coming on for hearing after service of notice on the accused: upon perusing the petition and the proceedings of the District Magistrate and the judgment of the Assistant Magistrate and the records submitted in the case and upon hearing the arguments of Mr. N. Subrahmanyam for the petitioner and Counsel not appearing on behalf of the accused, the Court made the following

Order:—The order of the District Magistrate is legal and requires no revision. The rule to which the Public Prosecutor refers does not require that a youthful offender over ten years of age shall be detained in the Reformatory until he is eighteen years of age in every case. It only requires that he should be detained for a period of at least five years unless he would, before the expiration of that period, attain the age of eighteen, in which case his detention should be ordered only for such shorter period as would bring him up to eighteen years of age.

(By the Court.)

(Signed) J. T. GILLESPIE,
Dy. Registrar, Appellate Side.

ORDER—No. 134, Judicial, dated 28th January 1901.

Communicated to the Director of Public Instruction.

(True Extract.)

Adhikari
for Chief Secretary.

To the Director of Public Instruction
(through the Educational Department),
with enclosures returned.
Copy to all District Magistrates.



Ed. A. F. Eccleston.

circulated to Honble Mr. H. M. Winterbottom, C.S.I.,

When given for copying _____
When copied _____ } 100
When examined _____
When signed _____

READ AGAIN G.O., No. _____, DATED _____
190 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.