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Fort St. George, Judicial Consultation, 30th June 1857.

No. 9. Extract from the Minutes of Consultation, dated 24th June 1857, No. 717.

In Minutes of Consultation dated 23rd Instant, No. 708, para. 4, Government noticed briefly the anomalous duties which now devolve on a Sessions Judge in consequence of the want of a public prosecutor. Besides taking the leading part in examining the witnesses during the trial, he has to scrutinise the evidence previous to the trial, with a view to ascertaining what additional witnesses or prisoners ought to be brought before the Court. These duties necessarily lead in some degree to a prejudgment of the case, and prevent the Judge possessing at the trial that perfectly unbiassed mind which is so important to the right administration of justice.

2. The defect of our Judicial system in this respect has been long felt, and does not appear to be provided for in the Bill for regulating the procedure of the Criminal Courts on the introduction of the new Penal Code. The Right Honorable the Governor in Council therefore proposes to bring the subject before the Government of India and the Legislative Council at an early date, but before doing so, he desires to hear the views of the Court of Foujdaree Udalut on the question.

See Supplement to Fort Saint
George Gazette of 20th
March 1857.

3. An Extract from these proceedings will therefore be sent to that authority with a request that the subject may be considered in all its bearings, including the manner in which cases now come before the Sessions Courts. The Foujdaree Udalut will then report its views on the best mode of arranging for the appointment of a public prosecutor, or for improving the procedure so as to render the want of such a functionary less inconveniently felt than at present.

(Signed) E. MALTBY,

Acting Chief Secretary.

May 17

Extract from the Minutes of Consultation
Dated 24th June 1857

H.
W.

In the of C dated 23rd Inst.
No. 4 - Govt noticed briefly
the numerous duties which
^{now} devolve on a Sessions Judge
in consequence of the want
of a public prosecutor -
Besides taking the leading
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evidence ^{giving to} before the trial
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- 2 - The defect of our judicial
system in this respect
has been long felt, &
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vided for in the Bill
for repealing the Procedure
of the Criminal Courts
on the introduction of
the new Penal Code -
The Rt Hon the G. in C
therefore proposes to bring
the subject before the
Legislative Council at
an early date, but before
doing so he desires
to hear the views of
the Comt. of Fryderyk
Kdawlat on the question.

- 3 - ~~The~~ In Extract from
these proceedings will
therefore be sent to
that authority with

See Suppl. to Fort St. G. Gazette
of 20 March 1857

a report that the subject
may be considered in
all its bearings, including
the manner in which
cases ^{now come before} ~~are now brought~~
to the Supreme Court;
and that the Fryderyk
Kdawlat will then
report its views on the
best mode of arranging
for the appt. of a Public
Prosecutor, or for improving
the procedure, as to
render the ^{want} ~~service~~ of
such a ~~that~~ ^{functionary} less
inconveniently felt than
at present; -

The

To the Judges of the C of F. Wolah. Dispt 27th

2203. June 1857. 4736 @ 38.

June 1857 to Aug. 13. 3000.
March 1858.
Paris 41112.

July 1857. 3000.

July 1857. 3000.

May 1857.

Abstract. Morris to me.

2/24 June 1857.

Feb 11/4/58.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 717

Press
~~Mis.~~

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Dated

24 - 6 - 1857

Not to be folded or roughly handled

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