

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	712	Press
		~~Mis.~~
	52-53	
Dated	1-6-1958	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 1st June 1858.

No. 52. Read the following Extract from the Proceedings of the Board of Revenue, dated 20th May 1858, No. 1809.

In Con. 20th May 1858. Read Extract Minutes Consultation, dated 3rd May 1858, Judicial Department, conveying the sanction of Government for the conduct of an Appeal from the Decree of the Moofy Sudder Ameen of Salem, in O. S. No. 23 of 1856, and pointing out that the Board have passed no opinion on a letter (No. 86) from the Magistrate of Salem, forwarding Draft Petition of Appeal against another decree by the same officer in O. S. No. 13 of 1857.

(Here enter No. 576.)

2. Both these cases were under the notice of the Board, but through an inadvertence their Proceedings on the second case were not placed on record.

3. The plaintiff in O. S. No. 13 of 1857, sued for damages from loss of character and for wrongous imprisonment. The first and second defendants having charged the plaintiff before the 3rd defendant (the head of Police of Paramuty Talook) with theft, the head of Police in the discharge of his duty searched the plaintiff's house, and the plaintiff after having been 15 days in custody was released. The decree awards to plaintiff 60 Rupees damages from third defendant with costs, and directs first and second defendants to pay their own costs.

4. Mr. Brett contends, and the Board concur with his reasoning, that the award of costs against parties who have been convicted of no wrong, is illegal, and that the third defendant, acting in discharge of his duty, is entitled to protection.

5. The Appeal Petition sets forth these considerations, and the Board recommend that sanction may be given to prosecute it in the first instance at the public expense. The period during which the plaintiff was in custody seems the only point on which the third defendant's conduct is open to exception, and this point was not put in issue among the points. The strictness of the custody is likewise denied.

(A true Extract.)

(Signed) G. S. FORBES,
Secretary.

To W. H. Bayley, Esq., Acting Secretary to Government, R. D.

No. 53. ORDER THEREON, No. 712; dated 1st June 1858.

On the recommendation of the Board of Revenue, the Right Honorable the Governor in Council authorizes the Magistrate of Salem to prosecute, in the first instance, at the public expense, the appeal referred to in his letter of 22nd March last, No. 86, against the decision of the Moofy Sudder Ameen of that place in O. S. No. 13 of 1857. On the receipt of a copy of the Decree passed thereon, he will decide whether the costs shall be borne by the Appellants or by Government.

(Signed) T. PYCROFT,
Chief Secretary.

C. No. 38-40
4/5-1858

No 712-

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Fort St George,
1st June, 1858-3

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Copy to Secy of Revenue }
" Magistrate of Salem } Disp'd 4-5