

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	928	Press
		~~Mis.~~
27-28		
Dated	¹³ 7-7-1918	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 13th July 1858

No. 27. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 29th June 1858, No. 21.

SIR,

I have the honor by direction of the Judges of the Foujdaree Udalut to acknowledge the receipt of Extract from the Minutes of Consultation, dated 24th June 1857, in which the attention of the Judges is called to the anomalous duties which now devolve on a Session Judge, in consequence of the want of a public prosecutor; and requesting the opinion of the Judges as to the expediency of appointing such an Officer; or, should it appear impossible to carry out such an arrangement at present, to suggest such alterations in the present form of criminal procedure, as would render the want of such a functionary less inconveniently felt than at present.

2. The Judges have, as required, considered the possibility of arranging for the appointment of a public prosecutor in each Zillah; and have come to the conclusion that it is at present impracticable.

3. The advantages which would accrue from the employment of such functionaries, are too well known and obvious to need mention; and if the country afforded men capable of filling the office, it would be the duty of the Judges to recommend the Government to employ them, but the Judges are convinced that duly qualified persons cannot at present be found; and they feel that they should be leading the Government into unprofitable expense, were they to recommend the selection and nomination of Government prosecutors, from the Vakeels now practising at the Mofussil Bar.

4. The duty and responsibility of conducting the trial in the best manner that the present state of the Police, the nature of the people, and the circumstances of the country, will allow, would still rest, in effect, with the Session Judge; and the Judges would remark that the evil of its so doing is greater in theory than in practice. It has become so habitual with the Session Judges to discharge their present apparently anomalous duties, that the inconvenience is not felt to the extent which those unacquainted with all the circumstances, might apprehend.

5. It remains for the Judges to state whether, in their opinion, the present mode of procedure can be improved, so as to render the want of a public prosecutor less inconveniently felt; and here again they are unable, at present, to suggest any thing from which much benefit could be expected. Some perhaps might accrue from authorizing Session Judges, in cases in which Counsel was retained by the accused, and in which, from their nature, they might think it desirable to have such assistance, to appoint *any* Vakeel of their Court to attend at the trial on behalf of the prosecution, with a remuneration extending from ten to thirty Rupees, according to circumstances; and this, as an experiment, they would beg to recommend.

No. 28. ORDER THEREON, No. 928; dated 9th July 1858.

1. In the above letter the Court of Foujdaree Udalut report, in reference to Extract Minutes Consultation, 24th June 1857, their reasons for considering it at present impracticable to appoint a public prosecutor to each Zillah; and they recommend, as an experimental measure, rendering the want of such an Officer less inconveniently felt than now, that the Session Judges be authorized, in cases where Counsel may be retained by the accused, to engage any one of the Vakeels of their Courts on behalf of the prosecution, giving them in remuneration for their services from 10 to 30 Rupees according to circumstances.

2. The Right Honorable the Governor in Council approves this suggestion, and directs that it be carried out, subject to report after the expiration of one year.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Department

No 920

Extract from the Minutes of Consultation
dated 9 July 1858

Read the following Letter
from the Acting Registrar to the
Court of Foydane Adalut.

(Here enter 29th June 1858 No 21)

1. In the above letter the
Court of Foydane Adalut report,
in reference to Exh. Min. Cons.
24th June/57, their reasons for
considering it at present im-
practicable to appoint a Public
Prosecutor Deach Gillah; and
they recommend, as an experi-
mental measure, rendering the
want of such an officer less
inconveniently ^{felt} that ~~it is~~ now
that the Session Judges be
authorized, in cases ^{where} counsel
may be retained by the accused,
to engage any one of the

32
baskets of their Counts on behalf
of the Prosecution, giving them
in remuneration for their
services from 10 to 30 rupees
according to circumstances.

2. The Right Honble the
Governor in Council approves
this suggestion, and directs that
it be carried out, subject to report
after the expiration of one year.

JP

Copy to Comr of L. Account
" civil auditor
" Acct^l General

Distd 13th

L40-96

June 27th to Aug 7th 1857
Rice 21/2 of 1858
Pawnee 4/11/42

29000

In Aug. 1858: 13th July
Judicial 10300 August 1858

o 1858

Estimate of 1858

7. 1035 1858
11/11/1858
11/11/1858