M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1459 Press Mis.

61-62

Dated 28 — 10 — 1889

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 22nd to 31st October 1859.

No. 61. Read the following Extract from the Proceedings of the Foujdaree Udalut, under date the 19th October 1859, No. 26.

Read letter from the Session Judge of Madura, dated 11th October 1859.

1. In this letter the Session Judge of Madura states that presuming, as authority had been given to the Police to summon direct, without previous reference to his official superior, any public Officer whose evidence might be required,

Circular Order, No. 215.

that the same power was vested in the Courts, he lately while in charge of the Criminal Court summoned a Police Officer to attend as a witness, but that the Magistrate of the District objected to the proceeding, assigning as his reason that the Circular Order of the Foujdaree Udalut above referred to, is applicable only in cases where evidence is required to be given before the Police.

2. The Court have to remark that the Circular Order in question, which is based upon the instructions of Government, has reference only to proceedings held by the Police. They do not however see any reason why a distinction should prevail as to the course to be taken by the different authorities having power to make such requisitions, and they will therefore forward a copy of these proceedings to Government, and at the same time suggest that the restriction in question should be removed from every Department having authority to summon either in Criminal or Civil cases.

Extract from Minutes of Consultation, 16th December 1856.

(True Extract.)

(Signed) GEORGE F. FULLERTON,
Officiating Register.

To the Chief Secretary to Government.

No. 62. ORDER THEREON, 28th October 1859, No. 1459.

The Government agree with the Judges of the Foujdari 'Adálat, that the privilege of summoning public servants as witnesses without reference to their official superiors, should not be confined to the Police only—but that it should be exercised in Criminal and Civil cases by every Department having authority to summon. They resolve accordingly to request the Judges to issue a Circular, removing the present restriction in this respect entirely.

2. Copy of these proceedings will be furnished to the Board of Revenue.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 1459 - 28 October 1859

The Govt. agree with the Judges of the Tanjdari Adalat that the privilege of summoning Public Servants as witnesses[+] should not be confined to the Police only — but that it should be exercised in Criminal & Civil cases by every department having authority to summon. They resolve accordingly to request the Judges to issue a Circular remarking the present restriction in this respect entirely.

A Copy of these Proceedings will be furnished to the Board of Revenue.

[+] without reference to their Official Superiors,

The Sadr & Tanjdari Adalat.
" Board of Revenue.
" Rev. Dept.

Supd.

21-23

16-12-56