M.R. O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 630 Press ~~Mis.~~

32-33

Dated 6 - 8 - ~~19~~ 1933

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 4th to 10th May 1859.

No. 32. Read the following letter from C. F. CHAMIER, Esq., Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 23rd April 1859, No. 5.

I have the honor, by direction of the Judges of the Foujdaree Udalut, to forward the accompanying *Draft* Rules for the guidance of Agents in taking notes of the evidence, instead of depositions, in certain criminal cases; in accordance with the instructions contained in Extract Minutes of Consultation under date the 11th Instant.

Rules for the guidance of Agents in the examination of witnesses in criminal cases.

1. In referrible cases, and in those which are only within the jurisdiction of a Session Court, Agents are to take *depositions* from the witnesses in the manner prescribed by the Regulations.

2. In cases falling within the jurisdiction of a Magistrate or Subordinate Judge, depositions are not to be taken, but *notes* of the evidence given by each witness are to be recorded, in the hand-writing of the Agent, or Assistant Agent, who conducts the trial.

3. Notes of the evidence are not ordinarily to be written in the form of question and answer, but in that of a narrative; and, when completed, are to be read over to the witness, amended if necessary, and then signed by the Agent, or Assistant Agent.

4. It shall be in the discretion of the Agent, or Assistant Agent, to take down any particular question and answer, if there shall appear any special reason for doing so.

5. The language used is to be as succinct as possible, consistently with clearness, in order that no more time than is absolutely necessary may be consumed in the process of noting down the evidence.

6. Particulars of time, place, and value, where these are essential or required for the due understanding of the case, and names of persons, under similar conditions, are to be clearly set out.

7. The Agent or Assistant Agent is to record such remarks as he may think material respecting the demeanour of any witness whilst under examination; and to advert to any prevarications or exaggerations apparent in his testimony.

8. Where the evidence of a witness corresponds exactly with that of one already examined, the fact may be briefly noted, without taking down such evidence in detail a second time.

9. Where the evidence of one witness may correspond with that of another, in some particulars but not in all, it may shortly be stated, that as to such and such points the witness corroborates the testimony of the other, and the rest of his evidence is to be noted down like that of any other witness.

10. Where one witness contradicts another on any material point, the circumstance should be noticed at the time of recording that part of his evidence.

11. Immediately after the trial is closed, a fair copy is to be made of the notes of the evidence, and signed by the Agent, or Assistant Agent; and both the original and fair copy are to form part of the record of the case.

(Signed) C. F. CHAMIER,
Register.

No. 33. ORDER THEREON, 6th May 1859, No. 630.

The Government approve the Draft Rules submitted by the Judges of the Foujdaree Udawlut in the above letter from their Registrar, and they resolve to forward them to the Government Agents in Ganjam and Vizagapatam for their observance and that of their Assistants in the trial of criminal cases within their respective Agencies.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

Proceedings of the Madras Government

Read the following letter.

From the Register of the Foujdaree Adalut } Dated 23d April 1859 No 5

Order thereon 6th May 1859 No 630.

The Govt approve the steps Reg[ister] submitted and by Rs Judges of Rs Foujdaree Adawlut in the above letter pursuant to Rs Act for Rs Guidance of Rs Courts and Rs Assistants in the trial of Criminal Cases within Rs respective

Proc. of Govt 10 May.
Judicial - 1859 - Despatch

No 630.

Ros: of Government

9/5 May 59

Approving the draft Rules submitted by the Judges of the Foudaree Adalut for the Guidance of Agents in taking Notes of the evidence instead of Depositions in certain Criminal Cases & forwarding them to the Govt. Agents in Gajam & Vizagapatam for their observance -

127 33.

Copy filed 25 May