

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	926	Press
	39-40	Mis.
Dated	6 — 7 —	19 1839

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
from 2nd to 8th July 1859.*

No. 39. Read the following letter from G. A. HARRIS, Esq., Session Judge of Chittoor; to J. D. BOURDILLON, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated 2nd July 1859.

1. I have the honor to request you will bring to the notice of Government that on a prosecution† lately instituted before me by the Government Vakeel charging the prisoner with breach of trust and embezzlement, sentence was passed of 3 years' imprisonment with hard labor in irons, and the prisoner was further fined in the sum shown to have been misappropriated.

2. In Extract from the proceedings of the Court of Foujdaree Udalut, under date the 25th June 1859, a translation of the proceedings held in the case has been called for, "the Court (on perusal of the Calendar) feeling doubtful of the propriety of the conviction," and I am informed that the prisoner himself is about to prefer an appeal in due form against my sentence.

3. My object in addressing this communication is to solicit Government to instruct their Pleader in the Court of Foujdaree Udalut to move that Court to be heard orally in support of the conviction prior to any orders being passed in the case.

4. The grounds upon which I make this request are as follow: the prisoner committed the offence with which he was charged when holding the office of a Vakeel (a position which greatly aggravated the offence) in the Court over which I preside, defrauding a party who had retained him in a Civil suit. The case was investigated by the Magistrate and committed by him to the Subordinate Court, and both the Magistrate and Subordinate Judge with myself concur in deeming the charge to be established.

5. I chiefly founded my belief of the truth of their statements upon their behaviour and manner of delivering them on the part of the witnesses for the prosecution, and if I have erred in my estimate of their truthfulness, I may doubt the correctness of my judgment in all the cases which I have hitherto decided. If my conviction is good, the acquittal of the prisoner (from the nature and circumstances of the case and the position which he formerly held) if directed by the Court of Foujdaree Udalut, will have a most prejudicial effect, and the more so as the Native community will no doubt according to their mode of thinking ascribe it to the influence which they will erroneously suppose has been exercised by the prisoner's brother, the Sheristadar of the Court of Sudr Udalut, an impression which would be much to be deprecated by the higher Court itself (but this circumstance may very probably have altogether escaped their notice) especially after the issue of their Circular, dated 1st December 1858, pointing out to suitors that neither Vakeels or other persons about the Court have any influence or indeed access to them. Moreover certificates of qualification to practise as Pleaders are now held by many persons and are obtainable at each examination, and I consider it is of very great importance that the lesson which the present conviction is calculated to teach, should not be lost. It is to obviate these evils that I venture to solicit the services of the Government Pleader in the manner above mentioned, *i. e.*, merely that he may be first heard *before* a decision is past.

6. Copies of my sentence, and of my proceedings (an appeal preferred against which was rejected by the Court of Sudr and Foujdaree Udalut, under date the 28th May 1859,) when the matter first came to my notice on the Civil side, are herewith enclosed.

No. 40. ORDER THEREON, 6th July 1859, No. 926.

Resolved that the above letter and its enclosures (in original to be returned) be forwarded to the Government Pleader in the Court of Sudder and Foujdaree, who will take such measures in the case as he may deem called for, reporting the same for the information of Government.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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a decision is past.

6. Copies of my sentence, and
of my proceedings (an Appeal preferred
against which was rejected by the
Court of Suva and Fijian Appeal
under date the 28 May 1859) when
the matter first came to my notice
on the Civil side, are herewith enclosed.

Chittoor

Session Court

2^d July 1859

I have the honor to be

Sir
Your Most Obedient Servant

J. A. Harris

Session Judge

From

J. A. Harris Esq^r

Session Judge of Chittoor

To J. D. Bourdillon Esq^r

Secretary to Government

Official Department

Copy

J. A. Harris

Resolved that the above letter & its
enclosures (in original to be returned)
be forwarded to the ^{Govt} Pleader in the
Court of Sudder & Fardance, who
will take such measures in the
case as he may deem called
for - reporting the same for the infoⁿ.

End Pleader
Judge of Circuit Court } Disposed of

Part of Cont & July

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G. H. Ward Esq

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Medical Department

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