

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	420	Press
	1-2	Mis.
Dated	11. 4. 1860	19

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
for the month of April 1860.*

No. 1. Read the following letter from R. H. WILLIAMSON, Esq., Postmaster General, Madras, to T. PYCROFT, Esq., Chief Secretary to Government, Public Department, Fort Saint George, dated 5th April 1860, No. 5445.

I have the honor to state that it has become the practice of some Magistrates in the Provinces, to refuse to receive and entertain charges of theft or other criminal offences against servants of the Post Office Department, when preferred by an Inspecting Postmaster or Deputy Postmaster, without the sanction of the Postmaster General being previously obtained to the charge being made; the consequence of which is that the offender obtains time and opportunity to mature his plans for defeating justice.

I beg to enclose an Extract from the Proceedings of the Foujdaree Adawlut, under date the 18th October 1858, No. 249, by which it appears the Magistrates are guided in refusing to entertain charges of the nature described, without the sanction of the Postmaster General.

In a case which has lately occurred, the party who is supposed to have stolen a Register from the Muddapollem Post Office, with the view of frustrating enquiry respecting a missing Banghy parcel, has, through the refusal of the Joint Magistrate of Rajahmundry to receive, without my sanction, the charge which was made immediately on the discovery of theft of the Register, by the Deputy Postmaster who had just relieved the suspected thief from the charge of the Office, been allowed full opportunity not only of concealing or destroying the Book in question, but of absconding, should he deem it advisable so to do.

The Proceedings of the Foujdaree Adawlut have reference solely to the recovery of fines for certain offences against the Post Office, specified in Act XVII of 1854, but Magistrates are inclined to interpret them as referring to every charge of every description brought by one subordinate Postal Officer against another.

I submit that in the event of a Clerk of the Post Office committing theft, arson, or any other criminal offence within the precincts of the Office and on the property of the Post Office Department, which includes articles of all kinds passing through in transit, and entrusted to it for conveyance, the Magistrate, on the complaint of the Inspecting Postmaster of the Division or Deputy Postmaster or other Officer in charge of that Office, or other competent Officer of the Department, is bound at once to receive the charge and act in respect to it with the same promptitude as he would in any other criminal case occurring within his jurisdiction, and that his refusing to entertain the charge until the prosecution is ordered by the Postmaster General, is simply absurd.

I have to solicit therefore that His Excellency the Governor in Council may be moved to direct that instructions may be issued to the Magistrates and Officers of Police, on the points adverted to.

CIRCULAR, No. 117 of 1858-59.

In forwarding the appended record for the information of all Inspecting Postmasters, Postmasters and Deputy Postmasters, the Officiating Postmaster General desires that they will bear in mind that they are not competent to take or send an offender against Act XVII of 1854, before a Magistrate without a written authority of the Director General of the Post Office in India, or of a Postmaster General.

MADRAS,
Postmaster General's Office,
30th March 1859.

(Signed) EDWARD FANE,

Officiating Postmaster General.

No. 249.

Extract from the Proceedings of the Foujdaree Adawlut under date the 18th October 1858.

1. "By desire of the Magistrate of the District, the Session Judge of Nellore requests the opinion of this Court on a question that has arisen between the Magistrate, and the Postmaster General, as to the correct construction of Section LXIV of Act XVII of 1854, (the Post Office Act) which provides that no proceedings for the recovery of certain fines shall be taken without

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the order of Government or of a Postmaster General, the Magistrate being of opinion that the intention of the Legislature was that no prosecution for the offences in which such fines would be the penalty should be commenced except by order of the Government or Postmaster, while the Postmaster General "considers that this order is not required to sanction the institution of "the prosecution, but to authorize the collection of the fine after it has been imposed by the "Magistrate."

2. "The Judges of the Foujdaree Udalt have no doubt that the expression "proceedings for the recovery of such fine," employed in the Section above quoted, was intended to be understood in its usual legal acceptance, namely, prosecution for recovery of penalty incurred by Act specified."

3. "Taken in this sense, the wisdom of the Legislature is apparent. It does not allow the subordinate servants of the Post Office to be annoyed or interrupted in their duties by accusations of the nature in question, at the instance either of the public generally or even of their own fellow servants."

(True Extract.)

(Signed) EDWARD FANE,
Officiating Postmaster General.

No. 2. ORDER THEREON, 11th April 1860, No. 420.
Referred to the Court of Faujdari Adalat.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Order thereon No. 420. 11th April 1860.

*Referred to the Court of
Faujdary Adalat*

J.P.

Faujdary Adalat

Postmaster General

Supd. 14th 1860

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Magistrates and officers of Police
assented to.

I have the honor
to acknowledge the receipt of
your most Ob.
letter of the 17th inst.

Yours faithfully
W. H. Wilson

To,
The Chief Secretary to Govt.
Public Department
Fort Saint George.

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