M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 133 Press ~~Mis.~~

187-188

Dated 30.1.1862 ~~19~~ .

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
30th January 1862.

No. 187. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 17th January 1862, No. 4.

1. I am directed by the Judges, with reference to paragraph 2 of the Order of Government dated the 3rd instant, to forward copies of Proceedings of the Sudder Court dated 23rd and 30th December 1861, containing the rules prescribed by the Judges under the provisions of Section 356 of the Code of Criminal Procedure for the commitment of cases to Subordinate Judges and Principal Sudder Ameens. The said Proceedings have been circulated to the Courts and Magistracy.

2. The purport of the Rules, the Government will observe, is to the effect that cases triable by a Magistrate or Sub-Magistrate for which a sentence of six months' imprisonment is considered sufficient, should ordinarily be disposed of by the Magistracy (paragraphs 9 and 10, Extract Proceedings 23rd December 1861,) and that cases of a graver character, but not committable to the Session Court, should be tried either by the Subordinate Court or Magistrate with reference to the distance of the locality at which the parties reside, from these Courts respectively.

No. 188. ORDER THEREON, 30th January 1862, No. 133.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Proceedings of the Sudder Court,

30th December 1861.

1. In continuation of their proceedings under date 23rd December 1861, the Sudder Court resolve to issue the following instructions for the guidance of the Magistracy, in regard to cases, which, under Section 356 of the Code of Criminal Procedure, may be either committed by a Sub-Magistrate to the Subordinate Court, or referred for trial to a Magistrate having full powers. This description it is to be observed, comprises all cases not triable exclusively by the Session Court, in which a preliminary inquiry may have been instituted by a Subordinate Magistrate of the 1st or 2nd Class.

i. All cases of the above nature which may arise at the station of a Magistrate exercising full powers, shall, as a general rule, be referred for trial to the Magistrate, and shall be disposed of by that Officer, under Section 356. If however the station of the Magistrate is that of the Subordinate Court, the case shall be committed to the latter tribunal; and the same course shall be followed when the offence is of such a nature as to require a more severe punishment than can be imposed by a Magistrate having full powers. The committal to the Subordinate Court in the latter case will be with a view to eventual trial by the Session Court.

ii. Subject to the last mentioned exception, all such cases which may arise within the Division of a Joint Magistrate shall be referred under Section 356 for trial by that officer.

iii. Cases to which the above instructions do not apply shall be committed to the Subordinate Court.

iv. In Districts in which no Subordinate Judge or Principal Sudder Ameen may be stationed, arrangements should be made by the Session Judge in communication with the Magistrate for assigning to the Sudder Ameen a definite jurisdiction, including one or more entire Talooks in the vicinity of the Court Station, and extending as nearly as possible to a distance of 20 miles from such station. All cases which may arise within these limits shall be committed to the Subordinate Court. If there is no Sudder Ameen present at the station, all such cases must be disposed of by the Magistracy.

2. It is to be noted that the above rules are not intended to interfere with the powers of Sub-Magistrates, with reference to the disposal of cases triable by themselves, under Chapters XIV and XV as extended by Section 357.

(True Extract).

THOMAS WILKINS,

Acting Deputy Registrar.

To

The Session Judge of

Pro: 30 Jany 1862 Actd.

Judicial 1862 Jany 16
3
No.

From.
The Registrar of the Sudder Court.

To,
The Chief Secretary to Government.

Dated 4th January 1862.
Rec'd 8th

Enclosures.

No. 4 - No. 94

Submitting copies of Proceedings of the Sudder Court containing the Rules prescribed by the Judges under the provisions of Section 336 of the Code of Criminal Procedure for the Commitment of Cases for Subordinate Judges and Principal Sudder Ameens.

No. 133 30 Jany 1862

To be recorded.

Jany 28 1877188

Ltr. & Letter from the Registrar of the Sudder Court dated the 4th January 1862 - No. 4.

Ltr. & Enc. Jany 28 No. 94