

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1377</i>	<u>Press</u>
<i>245-246</i>	<u>Mis.</u>
Dated <i>23-8-1882</i> <i>10/10</i>	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
23rd August 1862.*

No. 245. Read the following Proceedings of the Sudder Court, dated 6th August 1862.
No. 96.

Read Proceedings of Government, dated 13th June 1862, requesting the Sudder Court to call upon the Session Judge of Coimbatore to state, (1) his reasons for not holding Sessions before the 7th July; (2) the number of persons awaiting trial on the 5th May and 16th June respectively; and (3) the number of days he was absent from Coimbatore during the twelve months prior to the 5th of last May.

Read also Proceedings of Government, dated 29th July 1862, requesting the Sudder Court to express an opinion on the sufficiency or otherwise of the explanation given by the Session Judge on the above points.

1. On the first point the Session Judge states that the notice he published in the District Gazette, fixing the first Session after the adjournment for the 7th July, was in accordance with the Rules of Practice made and issued by the Sudder Court; that being the first Monday in the month: but explains that, on his own responsibility, he commenced criminal business at Ootacamund earlier, and completed the trial of all except three cases prior to that date.

2. On the second point he reports that the number of persons awaiting trial was, 29 at Coimbatore, and 3 at Ootacamund, on the 5th of May; and 65 at Coimbatore and 7 at Ootacamund, on the 16th June. The Session Judge explains that, after disposing of all the cases at Coimbatore ready for hearing on the 28th of April, he proceeded on that date to Ootacamund for the trial of a case which had been committed some time previously; but that the commitment of another case, while he was at Ootacamund, prevented him from returning to Coimbatore before the date fixed for the adjournment.

3. On the third point the Session Judge observes that he was absent from Coimbatore during the interval between the adjournment in 1861, and that in the current year, altogether 95 days, viz., on actual Session duty at Ootacamund 54, going and returning 30, on short leave 11.

4. The only remark which it occurs to the Judges to make in regard to the Session Judge's explanation on the first point, is that the arrangements prescribed by the Sudder Court were of an experimental nature, and that it might have been advisable to have fixed the commencement of the adjournment for the 3rd Monday in May. Thus, the regular Sessions might have been held on the 1st Monday, and there would have been time before the adjournment for the trial of all committed cases; and the interval between the termination of such Sessions and the commencement of the Sessions in July, would have been little more than six weeks.

5. The Session Judge's explanation on the second point seems to the Judges to be satisfactory, though it is to be regretted that from the peculiar situation in which he was placed he was prevented from clearing the criminal file at Coimbatore before the Court adjourned. If the Judges could have anticipated that there might have been cases pending on the 5th May, they would have modified their notice respecting the adjournment of the Courts, so as to have allowed of all such cases being decided before the Courts were closed.

6. In reference to the information afforded by the Session Judge on the third point, the Judges think it might be advisable to have fixed periods of the year for the Sessions at Ootacamund, as the Magistrates would then be able to require prosecutors and witnesses, and defendants admitted to bail, to be in attendance on a particular date; and no time would be lost in assembling the parties on the opening of the Sessions. The requirements of the Act would be fully met if Sessions were held on the 3rd Monday of every second month. It is not certain, however, that by this arrangement the Session Judge's absence from the Zillah station would be much shortened. Supposing the Sessions at Ootacamund to occupy a week on each occasion, forty-two days would be consumed during the six Sessions of the year, which would be only twelve days less than the time the Session Judge was engaged during the year under consideration.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

To the Chief Secretary to Government,
(with the Session Judge's letter, dated 14th July 1862.)

3^d
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
Proceedings of the Sudder
Court

(Here enter 6th August 1862 N^o 96)

Order thereon / 23^d August 1862 N^o 137

In his letter of
the 14th ultimo the Sessions
Judge of Coimbatore re-
ports, in reply to the re-
ference made to him
by order of Government
13th June last, that the
number of Prisoners at
Coimbatore awaiting
trial on the 5th May,
when the adjournment
took place, was 29; and
the number at
Ootacamund

M. L.

W. M.

Ootacamund at the same date was 3-

2 The reason why there were so many untried prisoners at Coimbatore on the ^{beginning} ~~opening~~ of the vacation, was because the Judge had before that date proceeded to Ootacamund to try a case there.

3. On the 16th June when the Courts should have been reopened, there were at Coimbatore 65 prisoners for trial, and 7 at Ootacamund. The trial of the former prisoners at Coimbatore did not however commence until the 25th June. Mr. Ward having been immediately detained at Ootacamund for the trial of some cases at that

that place.

4 It seems further that during the year ending 5th May last the Sessions Judge was absent from Coimbatore being either on the Neilgherry Hills or on route thither for 95 days, besides the Easter and Christmas holidays, and some portions - exact number of days not stated - in May 1861 during which the Civil Court was closed, and there happened to be no Sessions business. In all the Sessions Judge was absent from Coimbatore little less than one third of the entire year.

5. On the first of the above points viz: the number of prisoners at Coimbatore remaining

remaining untried when
the adjournment began,
the Sudr remark that
the arrangements which
they prescribed for the
last adjournment were
of an experimental na-
-ture, and that it might
have been advisable to
have fixed the commence-
-ment of the adjournment
for the 3rd Monday in
May. Thus, the regular
Sessions might have
been held on the 1st
Monday, and there would
have been time before
the adjournment for
the trial of all com-
-mitted cases; and the
interval between the
termination of such
Sessions and the com-
-mencement of the
Sessions in July, would
have

5-8
have been little more
than six weeks.

6 On the second point
namely the large number
of prisoners awaiting trial
at Coimbatore on the
16th June, the Sudr con-
-sider Mr. Ward's explana-
-tion to be satisfactory,
altho they regret that
from the peculiar situa-
-tion in which he was
placed, he was prevented
from clearing the crimi-
-nal file at Coimbatore
before the Court adjourned.
If the Judges could have
anticipated that there
might have been cases
pending on the 5th May,
they would have modified
their notice respecting
the adjournment of the
Courts, so as to have al-
-lowed of all such cases
being

being decided before the
Courts were closed.

7 On the last point
viz: on the length of time
during which the Sessions
Judge was absent from
Coimbatore, the Sudr
observe it might be
advisable to have fixed
periods of the year for
the Sessions at Ootacamund,
as the Magistrates would
then be able to require
prosecutors and witnesses,
and defendants admitted
to bail, to be in attend-
ance on a particular
date; and no time would
be lost in assembling
the parties on the open-
ing of the Sessions. The
requirements of the Act
would be fully met
if Sessions were held
on the third Monday
of

62
of every second month.
It is not certain, however,
that by this arrange-
ment the Session Judge's
absence from the Hillat-
station would be much
shortened. Supposing
the Sessions at Ootaca-
mund to occupy a week
on each occasion, forty
two days would be con-
sumed during the six
Sessions of the year, which
would be only twelve
days less than the time
the Session Judge was
engaged during the year
under consideration.

8. The Government
must remark that altho
under other arrangements
the number of untried
prisoners at Coimbatore
at the commencement
and end of the vacation
might

might have been diminished,
yet it is perfectly clear
that the present system
whereby under Act ~~XXX~~ of
1855 the Sessions Judge
of Coimbatore holds
criminal Sessions on the
Mulgherries, must under
any circumstances in-
terfere prejudicially with
the due discharge of his
duties at his Zillah
Station. The plan of hold-
ing Sessions at Ootacamund
on the third Monday of
every second month sug-
gested by the Sadr may
be tried. It is evident
however that the Sadr
themselves do not expect
any material amend-
ment from the change,
and the Government are
convinced that the only
effectual remedy for the
present

7^a
present objectionable state
of things would be a
recurrence to the original
intention of the Govern-
ment in respect to the
Court at Ootacamund,
or that of conferring on it
the full criminal juris-
diction of a Session Court.
The Government will give
this view their further
consideration.

It may be advisable
as proposed by the Sadr
to fix the commence-
ment of future adjourn-
ments to the 3rd Monday
in May. The Governor
in Council however directs that
whatever may be the day
decided on, all Sessions
cases committed before
that date be disposed
of, in so far at least as
they may be ready,
and

+ - on also that
 a his in chd Session
 he had immediately
 on the opening of
 the Court after the
 vacation.

for the adjournment

and the attendance of
 the witnesses can promptly
 be procured, before the
 criminal side of
 the Court be actually
 closed. The Government
 further direct that no
 judge shall quit his
 station at an adjourn-
 ment until he have
 sent in all the state-
 ments required by the
^{High Court} Court or by the
 Inspector General of Sails. Every
 Judge on quitting his
 station shall report
 the same to the ^{High Court} Court,
 sending at the same time
 a certificate that the
 above conditions as to
 criminal trials and
 statements have been
 complied with. Any Judge
 leaving without sending
 in such certificate,
 will

will be considered as
 absent without leave,
 and subjected to forfei-
 -ture of salary accord-
 -ingly.

J.P.

To the Chief Justice & Judges of the
 High Court of Judicature
 High Court of Sails
 & Civil Paymaster

per 23rd

[Signature]

J. A. de Fontaine

Office of the
Indian Department.

No. 1377

PROCEEDINGS OF GOVERNMENT.

Dated 23rd September 1882

Sept 200/63.
— 630 —

During the afternoon
in the case of holding station
at the command on the 31st
Monday from second month
be tried. Keeping carefully
for the guidance of the Judge with
regard to the arrangement he is
to make previous to his leaving
his station.

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