

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1986	Press
		~~Mis.~~
58-59		
Dated	6.12.1862	19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
6th December 1862.*

No. 58. Read the following Proceedings of the High Court of Judicature at Madras, 21st November 1862, No. 32.

Read replies of the Session Judges to the Circular of the late Sudder Court requesting them to state what, in their opinion and in that of the District Magistrates, would be a suitable remuneration for the Government Pleaders in view of the duties imposed upon them by the Code of Criminal Procedure of generally conducting criminal prosecutions before the Courts of Session.

1. The Court have had under consideration the mode in which the service of conducting criminal prosecutions in the Courts of Session, by means of public prosecutors, may be best provided for. Were the Government Vakeels in these Courts a class of persons to whom the duty might confidently be committed, the Court would have been disposed to recommend that it should generally devolve upon them, and they would have proposed for them increase of salary in compensation for the additional work; but under the existing circumstances of the Mofussil bar, it appears to the Court preferable that the Magistrate should exercise the liberty allowed him by Section 231 of the Code of Criminal Procedure, by nominating on each occasion either the Government Pleader at his discretion, or any other fitting person, to conduct the prosecution; and that the services of the individual so selected should be remunerated by a fee. The Court propose that this fee should be, according to the discretion of the Magistrate, from Rupees 5 to 10, and that should a higher remuneration be considered necessary in any case, the High Court should be empowered to raise the fee on the application of the Magistrate of the District.

2. The High Court presume that if this system be approved and sanctioned, the order to prosecute, referred to in Section 231 of the Code of Criminal Procedure, will be issued by the Magistrate of the District in every case committed by a Subordinate Magistrate of the second class. An Extract from the Register of preliminary enquiries is under the orders of the High Court forwarded to the Magistrate of the District in all cases investigated by a Subordinate Magistrate of the second class.

(True Extract.)

(Signed) C. F. CHAMIER,

Registrar.

To the Chief Secretary to Government.

No. 59. ORDER THEREON, 6th December 1862, No. 1,986.

The Honorable the Judges of the High Court are requested to state what should be the limit up to which they should be empowered to grant fees for prosecutions, and what will be the probable annual expenditure in each Zillah in the payment of fees under their sanction and under that of the Magistrates.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

Judicial.

Proceedings of the Madras Govt.

Read Pros. of the
High Court — Enter 21 Novr. 62 N^o 32.

Order — 6th December 1862 No 1986

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The Chief Justice & Judges
of the High Court } *[Signature]*
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Patent 1862. Department.

No. 1900.

PROCEEDINGS OF GOVERNMENT.

Dated 6th Dec 2/62
H. 2547

Regarding the right to
to state what shall be the
limit up to which they shall
be empowered to grant fees
for public institutions with
various titles, and what
will be the probable amount
of expenditure in each year
in the payment of such
fees.