

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1986</i>	Press ~~Miss~~
<i>58-59</i>	
Dated <i>6.12.1862</i>	<i>10</i> .

3/4

Not to be folded or roughly handled

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

No. 55. Read in the Proceedings of the High Court of Judicature at Madras, 21st
November 1862.

Read replies of the Session Judges to the Circular of the late Sudder Judges, asking them to state what, in their opinion and in that of the District Magistrates, would be a remuneration for the Government Pleaders in view of the duties imposed on them by the Code of Criminal Procedure of general application to the Courts of Session.

The Court have considered the service of conducting criminal prosecutions in the Courts of Session, and public prosecutions may be best prosecuted by the Government Vakeels in these Courts a class of persons to whom the duty may be committed, the Court would have been disposed to allow that the duty should generally devolve upon them, and they would have proposed a remuneration for the additional work; but under the 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 fixed at 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 first class. An Extract from the Register of preliminary enquiries is under the sanction 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)

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 amount 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.

See

' of the High Court } / dec 28

Judicial.

Proceedings of the Madras Govt.

Read Pros. of the
High Court — Enter 21 Nov. 02 N^o: 32.

Order — 180 1/10 1986

The Hon^{ble} the Judges
of the High Court are
requested to state as
what should be the
rule ⁱⁿ which
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& what will be the pro-
bable annual expen-
diture in each Zillah
^{in the prosecution} for such fees to be dis-
bursed ^{under} ~~on~~ their sanc-
tion & under that of
the Magistrates.

The Chief Justice & Judges
of the High Court } *[Signature]*

1. No.

No. 190

PROCEEDINGS OF GOVERNMENT,

Dated

By the
State
at a
session
held at
the
city of
St. Louis
Mo.

1890

1890