M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 462 Press ~~Mis.~~

155-156

Dated 18.3.1862 ~~19~~

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th March 1862.

No. 155. Read the following letter from A. WEDDERBURN, Esq., Magistrate of Cuddapah; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th February 1862, No. 6.

1. With reference to the Government Proceedings and Order of 19th February 1862, No. 264, I have the honor to submit the following explanation regarding the propriety of granting extended powers to the two following Magisterial Officers.

2. When an Officer is placed in Revenue charge of a division and detached at a distance from Head Quarters, it is advisable that, if fit for the exercise of such power, he should have the full powers of a Magistrate, otherwise his inability to hold to security the evil doers and suspicious characters of his division, lessens his influence. This power, which is of great avail as a preventitive of crime, is by Chapter 19 Criminal Procedure Act, not legal to any but Officers possessing the full powers of a Magistrate. I consider that if any Deputy Magistrate in the West, has not this power, his usefulness will be much circumscribed; the Bellary frontier has always been a weak point in the Police administration of this District, and I understand that the corresponding Deputy Magistrate, at Gooty in Bellary, has full powers. He is an Officer of less experience than Royappa.

3. Another point for consideration is: If persons bringing to notice suspicious individuals residing in their village, have to undergo a journey of 40 miles or more, to the nearest full Magistrate, and the same distance to return, to prove the case, it is probable that such a prospect will deter many from exposing the obnoxious characters who inhabit many of the frontier villages. I regret to think that the return of gang and highway robberies in this District is still most disheartening. The local Constabulary connot in my opinion put them down for several reasons; 1stly, because these crimes are not committed near the Police stations; and 2ndly, owing to distance and the consequent delay, the tracing of offenders is difficult, and not often successful; 3rdly, from legal doubts as to identity, difficulties connected with Native evidence, and suspicions entertained by some Courts as to measures of detection, there is a great chance of not getting a conviction after all. The hilly and jungly features of the District are also difficulties.

4. The ordinary measures which I conceive to be suitable to meet the requirements of the District are, 1st a rigid selection of approved village Officers, and 2nd the control of all suspected characters by the requisition of security for their good behaviour. The first measure I am carrying out. My Deputy Magistrate Royappa by his long experience of Native character is likely to be a great help to me in the latter respect; and on this ground, and as a special case I would urge that he may be intrusted with the full powers of a Magistrate. From independent sources of information I hear very good accounts of his administration.

5. The other recommendation I would propose is the investment of Mr. R. G. Ward, Taluq Magistrate of Cuddapah with the power of Subordinate Magistrate 1st class. He has had long experience of criminal work when in the Sessions Court Office of Nellore, and I would rather have him take up cases cognizable by a Subordinate Magistrate of the 1st class, than the Deputy Collector in charge of the Treasury, whose Superintendence of the accounts, Treasury, and Press, takes up most of his time, Government will observe that I did not recommend giving the latter Officer full powers of a Magistrate under the Criminal Procedure Act.

6. As regards the remark that Deputy Magistrates have now the full powers which were exercised by Magistrates under Act VII of 1843, that Act only increased their penal jurisdiction in cases cognizable under Sections 32 and 33 of Regulation IX of 1816 which are exclusively petty offences, but in itself, it does not give the power of taking security for good behaviour to Officers who otherwise have not such power, and by Chapter XIX of the Criminal Procedure Act, all but full Magistrates are now debarred from the exercise of it. If full powers under the Criminal Procedure Act be granted to the Deputy Magistrate, I shall take precautions to prevent the penal exercise of them without my confirmation.

7. The chief grounds therefore for my two recommendations are, 1st, as a special case to secure the prevention of crime (a more certain measure than its detection) in the 3 distant wes-

not to the former.

tern Taluqs under the Deputy Magistrate, and 2nd, to provide for the disposal of cases cognizable by a Sub-Magistrate of the 1st class in the central Taluq, by relieving the Deputy Magistrate at Cuddapah, whose time is much taken up by his other revenue duties.

No. 156. ORDER THEREON, 18th March 1862, No. 462.

The Order of the 19th ultimo, No. 264 was meant to apply to the *latter* only of the two classes of Officers named—Deputy Magistrates and Talook Magistrates—and not to the former.

2. Under the explanation now afforded, the Government invest Mr. R. G. Ward, Magistrate of the Cuddapah Talook, with the powers of a Subordinate Magistrate of the first class. His name will accordingly be notified in the Fort Saint George Gazette.

3. The Government are still not prepared to confer on the Deputy Magistrate, Royappa, the full powers of a Magistrate, and Mr. Wedderburn is mistaken in supposing that such powers have been given to any Deputy, Magistrate in the Bellary District. They have been bestowed on very few Officers of that class, and only on very special grounds, and on no Deputy Magistrate in Bellary.

4. The chief object for which the Magistrate of Cuddapah wishes the full powers of a Magistrate to be granted to his Deputy, Royappa, is that he may hold suspicious characters to security—but this is a power very liable to abuse, and one, therefore, which the Government would desire to confine as much as possible to Covenanted Officers.

5. Mr. Wedderburn engages, indeed, that if full powers under the Criminal Procedure Code be granted to his Deputy, he will take precautions to prevent the penal exercise of them without his confirmation, but it does not appear how this can be done. If the Deputy Magistrate has these powers conferred on him, he cannot be restricted by the Magistrate in the exercise of them, and by Section 409 of the Criminal Procedure, an appeal from his decision lies only to the Sessions Court.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department. 14

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate of Cuddapah — Enter 25th Feb. '62 No. 6.

Order — 18th March 1862. No. 462

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The Magistrate of Cuddapah. } Despe 19th

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Secl. 1862. Department

No. 462.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 18th March 1862.

Investing Mr R. J. Ward, Magistrate of the Cuddapah Taluq with the powers of a Subordinate Magistrate of the 1st Class. Stating that Govt are not prepared to confer on Deputy Magistrate Rayappa the full powers of a Magistrate.

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