M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 467 Press ~~Mis~~

161-162

Dated 19.3.1862 ~~Mis~~ .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 19th March 1862.

No. 161. Read the following letter from JAMES INNES MINCHIN, Esq., Acting Magistrate of Kurnool; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 27th February 1862, No. 12.

With reference to the Order of Government, dated 17th February 1862, No. 250, investing Mr. J. R. Arbuthnot with the full powers of a Magistrate, I have the honor to request they will be good enough to confer on the same Officer the power to hear Appeals from the decisions of the Sub-Magistracy of the 2nd class within his range, under Section 412 of the Code of Criminal Procedure.

2. It will be a source of great inconvenience to the inhabitants of his Talooks, to the East of the Nulla Mulla Range, if it is necessary for them to proceed to my Court to bring their Appeals, and I regret the inadvertence by which I did not expressly request that these powers should be conferred on the Head Assistant Magistrate in my last communication on this subject.

3. With regard to the refusal of Government to confer the same powers upon the Deputy Collector Ragoonadha Row, I beg respectfully that the question may be reconsidered.

4. Under the Code of Criminal Procedure, a Sub-Magistrate of the 1st class can only receive complaints directly from the public, or try cases committed to him by the Police, he can not have cases committed to him for trial by the Sub-Magistrates of the 2nd class, nor can he be employed in any way in supervising the work of those Officers. It is doubtful even whether a Magistrate has power under Section 273 to refer to a Sub-Magistrate of the 1st class, any Criminal case committed to him by a Sub-Magistrate of the 2nd class, the Section alluding only to cases brought before him either directly on complaint, or on the report of a Police Officer. Although therefore the Criminal powers of Deputy Collectors have been much enhanced by the Code of Procedure, their sphere of usefulness has been greatly diminished.

5. In most Districts the Magistrate has the assistance of a Joint Magistrate and Head Assistant to relieve him from the duty of supervising the proceedings of the whole of the Sub-Magistracy, but in Kurnool, the area of which is larger than that of most Districts in the Presidency, I must myself supervise the Magisterial cases in every Talook, not in the charge of the Head Assistant, unless the Government will grant me the assistance I have requested, by conferring upon the Deputy Collector Ragoonadha Row the full powers of a Magistrate under Section 23, and power to hear Appeals under Section 412.

6. Unless the Deputy Collector Ragoonadha Row were fully qualified to perform the duties proposed, I would of course rather do the whole work myself than make such a recommendation, but I am confident that there is not a better Native Judicial Officer in the service of Government, and that he is fully qualified for the trust.

7. The fear that this duty might interfere with his special work in making over lands to the Irrigation Company would have deterred me from making this request, had not the Deputy Collector assured me that the additional work, which would not be greater than he performed before the Criminal Procedure Code came into force, would in no way delay the carrying out of his special duties.

8. As the Government has granted the assistance I ask for, to the Magistrate of Salem and Kistnah, and probably in other Districts, where there are Joint Magistrates, as well as Head Assistants, I trust they will see reason to accede to my present request.

9. I beg also to point out that the Sudder Ameen of Kurnool has not been yet invested with the powers of a Magistrate, and that consequently almost the whole Criminal work of the District falls upon myself, at a time when the Income Tax settlement and Jamabundy create great demands upon my time.

No. 162. ORDER THEREON, 19th March 1862, No. 467.

The Government resolve to invest Mr. J. R. Arbuthnot, Acting Head Assistant Collector, Kurnool, with power under Section 412 of the Code of Criminal Procedure, to hear and dispose of Appeals from the decisions of the Subordinate Magistrates of the second class stationed within his charge.

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19th March 1862.

2. They resolve also, under the circumstances stated, to vest R. Ragoonadha Row, Deputy Collector, Kurnool, with the full powers of a Magistrate under Section 23 of the Code of Criminal Procedure, and also, under Section 412, to hear and dispose of Appeals from the decisions of the Subordinate Magistrates of the second class stationed within his charge.

3. The opinion of the Sudder will be taken as to the Sudder Ameen at Kurnool being authorized to exercise Magisterial powers under the Code of Criminal Procedure—Clause I, Section II, Regulation III of 1833 being, as pointed out in paragraph 9 of the Sudder Court's letter, 16th November 1861, No. 114, one of the laws to be repealed in consequence of the enactment of the Penal and Criminal Procedure Codes.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 467 - 19 March 1862.

The Govt. resolve to invest Mr. S. R. Arbuthnott, Acting Head Asst. Collr., Kurnool, with power to hear & dispose of appeals from the decisions of the Subordinate Magistrates of the Second Class stationed within his charge.

2. They resolve also, under the circumstances stated, to vest R. Ragoonadha Row, Deputy Collector, Kurnool, with the full

full powers of a Magis-
trate under § 23 of the
Code of Criminal Proce-
dure, & also, under § 412,
with power
to hear & dispose of ap-
peals from the decisions
of the Subordinate Ma-
gistrates of the Second
Class stationed within
his charge.

3. The opinion of the Sudder
will be taken as to the Sud-
der Ameen at Kurnool lee-
ing

being authorised to
exercise Magisterial
powers under the Code
of Criminal Procedure
— Ch. I, Sections II, Regulation
V of 1833 being, as pointed
out in para 9 of the Sudder
Court's letter, 16th Nov. 61, No. 114,
one of the laws to be repealed
in consequence of the enact-
ment of the Penal & Criminal
Procedure Codes.

Pro. Magistrate of Kurnool. } Despd. 19th
Sudder Court. } Paras 1 & 2. & 21st March 1862.

17th Feb 4/62 Oct 250.

Ind. 1862
Department
From Pros. Dwyer
The Ag Magistrate
of Turnoo
To The Chief Secretary
to Government
Fort Saint George
Dated 27th February 1862
Received 7th March—

No. 456 No. 12

Requesting that the power
to hear appeals from
the decisions of the sub
Magistracy & the 2 Class
may be conferred on
Mr. J. R. Arbuthnott and
that the Dy Collector Rasoo-
mada Row be invested
with the full powers
of a Magistrate and
power to hear appeals
under Section. 4th.

161 & 162

Petition and Order.