M.R.O. 1—89,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 794 Press ~~Mis.~~

114-115

Dated 16.5.1862 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 16th May 1862.

No. 114. Read the following letter from D. F. CARMICHAEL, Esq., Acting Agent to the Governor of Fort Saint George, Vizagapatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th May 1862, No. 133.

In case No. 8 of 1862, my predecessor ordered 50 Rupees out of the amount of fine levied to be given to the Prosecutor, Inspector Knight of the Police, who charged the Prisoner with attempting to bribe him, and 5 Rupees to be paid to the 6th witness, for his boldness in coming forward with evidence against a very influential man. But the Sudder Court in their review of the case (their Proceedings accompany) direct the recovery of these rewards, as illegally bestowed, and that the entire fine be paid into the Treasury.

2. In the Inspector's case, this can easily be done, but I beg to state that there is no chance of recovering the 5 Rupees disbursed to the 6th witness, who is miserably poor. I therefore request leave to write off the amount to "Profit and Loss."

Proceedings of the Sudder Court, 29th April 1862.

Read Case No. 8 of 1862, on the Calendar of persons tried before the Agent, Vizagapatam, in which the Defendant was charged under Section 214 of the Indian Penal Code.

1. The Judges are not aware of any provision in the Code of Criminal Procedure under which the Agent had authority to make grants of money to the Prosecutor and 6th witness out of the fine recovered from the Defendant, as a reward for having informed against him. Section 44 of the Indian Penal Code is clearly inapplicable to the present case.

2. Unless the Agent can point to some express provision authorizing such grants, the money must be recovered and paid into the Public Treasury.

3. In exercising any powers given to them by law, the Criminal authorities should indicate the enactment under which they act.

(True Extract.)

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

(True Copy.)

(Signed) D. F. CARMICHAEL,
Acting Agent to the Governor.

No. 115. ORDER THEREON, 16th May 1862, No. 794.
Sanctioned accordingly.

(Signed) A. J. ABRUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

No: 794 - 16 May 1862

Sanctioned accordingly.

17 Oct. 1862

5.

The Sudder Court. }
" Agent, Viragapatam. } Sept. 17th
" Civil Paymaster. }
" Asst. Genl. }
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