M.R.O. 1—32,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 92 Press
~~Mis.~~

135-137

Dated 21.1.1862 ~~19~~ .

6/7

Not to be folded or roughly handled

15/6/20

Read the following papers:—

No. 135. From A. PURVIS, Esq., Magistrate of the Godavery District; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 7th December 1861, No. 425.

Adverting to the Notification of the 29th ultimo, defining the powers to be exercised, under Section XXII of the New Code of Procedure, by the different grades of the Magistracy, I have the honor to bring to notice that the new Police has as yet been only partially introduced into this district, and that a considerable portion of the district will for some months be still under the old system, the local Officers being Tahsildars and Heads of Police. There are besides in the Zámindári tracts Police Darogas hitherto exercising the full powers of head of Police. To meet the exigency of the case, it appears to me that all such Tahsildars should be appointed Taluk Magistrates, and the Darogas Súb Magistrates, as a temporary measure, pending introduction of the new Police system into their respective Taluks and Divisions, till which time the old Police must still be under their control. If this proposal meets the approval of Government, I would make the appointments accordingly.

2. By Section 412 of the Code of Procedure, any person convicted on a trial held by an Officer exercising powers less than those of a Magistrate, that is, less than the full powers of a Magistrate, may appeal to the Magistrate of the district or other Officer exercising the powers of a Magistrate who shall have been empowered by Government to hear such appeals.

3. It would appear that the Joint and Head Assistant Magistrates must under the Section referred to be specially empowered by Government to hear appeals from the Subordinate Magistracy (Tahsildars and Sub Magistrates) or they will have to refer all appellants within their respective divisions of the district, to the Magistrate. This will be an inconvenient course, and, if my reading is correct, I request that the power to hear appeals, against the decisions of the Subordinate Magistracy, may be accorded to the Officers named.

Referred for the remarks of the Sudder Court.

(Signed) T. PYCROFT,
Chief Secretary.

17th December 1861.

No. 136. MEMORANDUM.

On the subject of the letter dated 7th December 1861 addressed to Government by the Magistrate of the Godavery District, the Registrar is directed to suggest that the Heads of Police and Police Darogahs in question be vested, under Section 23 of the Code of Criminal Procedure, with the powers of Sub-Magistrates of the 2nd class. The Judges are of opinion that Joint Magistrates generally should be invested, under Section 412, with power to hear and dispose of appeals from the Subordinate Magistrates, 2nd class, stationed within their division; and that the same course should be adopted with regard to Head Assistant Magistrates of approved efficiency and experience; such authority in the case of Head Assistant Magistrates to be conferred in each instance by special Order, to be notified in the Government Gazette.

(Signed) C. F. CHAMIER,
Registrar.

Sudder Court,
8th January 1862.

To the Chief Secretary to Government.

No. 137. Order thereon, 21st January 1862, No. 92.

It is observed that by the Notification of the 29th November last, Tahsildars, as Taluk Magistrates, have authority to exercise the powers of a Subordinate Magistrate of the second class, under the Code of Criminal Procedure. No further order is therefore necessary as regards the Tahsildars of the Godavery District.

Proceedings of the Madras Government, Judicial Department,
21st *January* 1862.

2. Pending the complete introduction of the new Police in the Godavery District, the Government authorize, under Section 23 of the Code, the Police Darogahs in the Zemindary tracts thereof, to exercise also the powers of a Subordinate Magistrate of the second class. Mr. Purvis will, as he proposes, notify this Order in the District Gazette.

3. Ordered also that the following be published in the Fort Saint George Gazette.

NOTIFICATION.

The Government have invested Joint Magistrates, Civil and Military, 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 their respective divisions.

Any Magistrate, who may consider it desirable that this appellate power should be conferred on his Head Assistant, will submit an application to Government, stating the circumstances of the case.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F Cartledge.

No 425

Godavery District
Magistrate's Office
Rajahmundry 7th December
1861

From F. Purvis Esqre
Magistrate of the
Godavery District

To
T. Pycroft Esqre
Chief Secretary
to Government
Fort Saint George

Sir,

Adverting to the Notification of the 29th Ultimo defining the powers to be exercised, under section XXII of the New Code of Procedure, by the different grades of the Magistracy, I have the honor to bring to notice that the new Police has as yet been only partially introduced into this District, and that a considerable portion of the District will for some months be still under the old system, the local officers being Tahsildars and Heads of Police. There are besides in the Zamindari tracts Police Darogas whose duties exercising

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Letters from the Collr. of the Nilgiris dated 7th Decr. 1861 Enclosing Petitions of Messrs. Sutton & Co. Planters Nilgiris praying that Sutton's Notification of the 29th Novr. last may be cancelled

Ordered—That the Petitioners be informed that the Notification in question has been issued with the sanction of the Supreme Government, and that it is not considered desirable to withdraw it.

1861 Department
From
The Secretary
to the
Govt of Madras
To
The Chief Secretary
to Government
of Fort St. George
Dated 9th Decr 1861.
Rec'd 13th Dec 1861.
No. 1625
Encl None
No. 2020.

Requesting the approval of Government to appointing as a temporary measure all Tahsildars and Deputy Tahsildars and Tahsildar's Clerks Magistrates with reference to the information of the Revenue Boards and suggesting the granting the Joint and Adjd Magistrates the power of hearing appeals against the decisions of Subordinate Magistrates.

Referred for the opinion of the Sudder Court.

17th December 1861.

J. Lyon

Chief Secretary.

The Sudder Court Disp.
Entered & returned 17th Dec 1861.
JW
Asst Dy Regr

1625 @ 1627

Ch. Jan 1862

Jud. 1862. Department

No. 92.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 21st January 1862

Read 150-163-171-

Investing Joint Magts. Civil and Military, with power, under Section 412 of the Code of Criminal Procedure to hear & dispose of appeals from the decision of the Sub Magts of the 2d Class, every Magt. who may consider it desirable that this appellate power should be conferred on him & accordingly will submit application to Govt. stating the circumstances of the Case.

[6329] Madras—Printed at the Government Press.

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135 to 137